

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CASE NO. MD-22-3047 YGR
IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY OAKLAND, CALIFORNIA
PRODUCTS LIABILITY LITIGATION

NOVEMBER 9, 2022
THIS DOCUMENT RELATES: ALL
CASES PAGES 1 - 135

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,
TRANSCRIPT PRODUCED WITH COMPUTER.

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OAKLAND, CALIFORNIA

NOVEMBER 9, 2022

P R O C E E D I N G S

(COURT CONVENED AT 9:04 A.M.)

THE COURT: ALL RIGHT. LET'S CALL THE CASE.

THE CLERK: WE'RE CALLING MDL CASE 22-3047-YGR,
IN RE SOCIAL MEDIA ADOLESCENT ADDICTION PERSONAL
INJURY/PRODUCTS LIABILITY LITIGATION.

THE COURT: OKAY. EVERYBODY HAS SIGNED IN ON THE
SHEETS OUTSIDE. IF YOU HAVE NOT SIGNED IN, MR. GARCIA WILL GO
AND COLLECT THOSE. YOU NEED TO CONNECT WITH HIM AFTER THESE
PROCEEDINGS AND MAKE SURE YOU'RE ON THE LIST.

WE HAVE A LOT TO DO TODAY.

I'M NOT GOING TO WASTE TIME HAVING EVERYBODY STATE THEIR
APPEARANCE, BUT WE WILL HAVE EVERYBODY WHEN THEY FIRST APPROACH
THE COURT TO STATE THEIR APPEARANCE, AT LEAST WITH RESPECT TO
THE PLAINTIFFS.

WITH RESPECT TO THE DEFENDANTS, THE FIRST PART OF THIS
YOU'RE GOING TO SIT AND LISTEN FOR QUITE A WHILE BECAUSE I HAVE
A LOT TO TALK ABOUT WITH THE PLAINTIFFS.

BUT WHY DON'T YOU GO AHEAD AND COME TO THE MIC AND STATE
YOUR APPEARANCE.

WITH RESPECT TO MASKS, MY RULE IS THAT YOU DON'T HAVE TO
WEAR THEM IF YOU DON'T WANT. YOU'RE WELCOME TO WEAR THEM IF
YOU WANT.

AND JUST WHEN YOU'RE AT THE MIC, IF YOU ARE WEARING ONE

09:05AM 1 AND I CAN'T HEAR YOU, THEN I MIGHT ASK YOU TO TAKE IT OFF.

09:05AM 2 ALL RIGHT. SO LET ME UNDERSTAND WHO IS HERE ON THE

09:05AM 3 DEFENSE SIDE, IF YOU'LL COME FORWARD.

09:06AM 4 MS. JONES: GOOD MORNING, YOUR HONOR.

09:06AM 5 PHYLLIS JONES OF COVINGTON AND BURLING ON BEHALF OF META.

09:06AM 6 THE COURT: OKAY. HOLD ON JUST A MINUTE.

09:06AM 7 THANK YOU.

09:06AM 8 MS. JONES: NICE TO SEE YOU.

09:06AM 9 THE COURT: YOU, TOO.

09:06AM 10 MR. SCHMIDT: GOOD MORNING, YOUR HONOR.

09:06AM 11 PAUL SCHMIDT, COVINGTON AND BURLING ON BEHALF OF META.

09:06AM 12 THE COURT: OKAY. GOOD MORNING.

09:06AM 13 MS. BELL: GOOD MORNING, YOUR HONOR.

09:06AM 14 LAUREN BELL FROM MUNGER, TOLLES & OLSON ON BEHALF OF SNAP.

09:06AM 15 THE COURT: LAURA BOWELL DID YOU SAY?

09:06AM 16 MS. BELL: LAUREN BELL, B-E-L-L, BELL.

09:06AM 17 THE COURT: BELL. FROM MUNGER TOLLES?

09:06AM 18 MS. BELL: YES, YOUR HONOR.

09:06AM 19 THE COURT: AND YOU'RE HERE -- IS MR. BLAVIN HERE?

09:06AM 20 MR. BLAVIN: I AM, YOUR HONOR.

09:07AM 21 THE COURT: SO YOU'RE MR. BLAVIN AND YOU'RE BELL.

09:07AM 22 OKAY. THANK YOU.

09:07AM 23 MS. WHITE: GOOD MORNING, YOUR HONOR.

09:07AM 24 LAUREN WHITE FROM WILSON SONSINI ON BEHALF OF

09:07AM 25 DEFENDANT GOOGLE.

09:07AM 1 THE COURT: OKAY.

09:07AM 2 MR. DRAKE: GOOD MORNING, YOUR HONOR.

09:07AM 3 JEFFREY DRAKE FROM KING & SPALDING ON BEHALF OF TIKTOK AND

09:07AM 4 BYTEDANCE.

09:07AM 5 THE COURT: OKAY. GREAT. THANK YOU.

09:07AM 6 MR. DRAKE: GOOD MORNING.

09:07AM 7 MS. PIERSON: GOOD MORNING, YOUR HONOR.

09:07AM 8 ANDREA PIERSON FROM FAEGRE DRINKER ALSO ON BEHALF OF

09:07AM 9 TIKTOK AND BYTEDANCE.

09:07AM 10 THE COURT: OKAY. GREAT.

09:07AM 11 IRENE, DO WE NOT HAVE REALTIME SET UP?

09:08AM 12 OKAY. SO I HAVE YOUR AGENDA. I HAVE MY OWN. THANK YOU

09:08AM 13 FOR SUBMITTING ALL OF THAT IN ADVANCE.

09:08AM 14 AND WHO IS THE ASSOCIATE THAT I CAN THANK FOR THE

09:08AM 15 SPREADSHEET ON THE DEFENSE SIDE BECAUSE I KNOW IT WASN'T A

09:08AM 16 PARTNER?

09:08AM 17 MS. JONES: OUR COLLEAGUE, ALICE PHILLIPS, HAS BEEN

09:08AM 18 LEADING THE CHARGE ON THAT, YOUR HONOR, AT COVINGTON.

09:08AM 19 THE COURT: OKAY.

09:08AM 20 MS. JONES: WE WILL CONVEY THE COURT'S THANKS.

09:08AM 21 THANK YOU FOR NOTING THAT.

09:08AM 22 THE COURT: IS SHE NOT HERE?

09:08AM 23 MS. JONES: SHE'S NOT. SHE'S ACTUALLY IN

09:08AM 24 LOS ANGELES.

09:08AM 25 THE COURT: OKAY. WELL, YOU SEE, THAT'S WHAT

09:08AM 1 HAPPENS IS THEY DO ALL OF THE WORK AND THEY DON'T GET TO COME.

09:08AM 2 (LAUGHTER.)

09:08AM 3 THE COURT: SO, YES, PLEASE THANK HER FOR THAT.

09:08AM 4 I KNEW THAT I WOULD NEED SOMETHING LIKE THAT AND IT

09:08AM 5 OCCURRED TO ME I WAS SURE YOU WERE ALL DOING IT AND IT WOULD BE

09:08AM 6 EASY FOR YOU TO SEND IT ON.

09:08AM 7 WITH RESPECT TO COUNSEL, MR. SEEGER, IS HE HERE?

09:08AM 8 MR. SEEGER PRESENTED TO THE JUDGES AT THE MDL CONFERENCE

09:09AM 9 LAST WEEK. I WAS INTERESTED, ONE, I'D LIKE TO KNOW DID THE

09:09AM 10 PARTY HAPPEN YESTERDAY?

09:09AM 11 MR. SEEGER: I'M SORRY, YOUR HONOR? MAY I APPROACH?

09:09AM 12 THE COURT: YOU MAY.

09:09AM 13 MR. SEEGER: THE PARTY, I'M SORRY?

09:09AM 14 THE COURT: YOU SAID AT THE MDL CONFERENCE THAT THE

09:09AM 15 DAY BEFORE THESE FIRST APPEARANCES THAT THERE'S A PARTY.

09:09AM 16 (LAUGHTER.)

09:09AM 17 THE COURT: MY LAW CLERKS WONDERED WHY WE WEREN'T

09:09AM 18 INVITED.

09:09AM 19 (LAUGHTER.)

09:09AM 20 MR. SEEGER: WELL, I PROMISE NOT TO EVER LEAVE YOU

09:09AM 21 OUT AGAIN. I DIDN'T GET IN UNTIL ABOUT 2:00 IN THE MORNING. I

09:09AM 22 HAD DELAY ISSUES, SO NO PARTY FOR ME.

09:09AM 23 THE COURT: NO PARTY FOR YOU. BUT ONE DID OCCUR?

09:09AM 24 MR. SEEGER: I DON'T THINK SO. THERE MIGHT HAVE

09:09AM 25 BEEN A DINNER OR TWO, BUT GOING FORWARD WE'LL WORK WITH THE

09:09AM 1 DEFENDANTS ON SETTING UP PARTIES.

09:09AM 2 (LAUGHTER.)

09:09AM 3 THE COURT: THE OTHER THING, THOUGH, THAT I FOUND
09:09AM 4 INTERESTING IS THAT YOU HAVE ALL TAKEN THIS APPROACH OF GIVING
09:09AM 5 US THIS SLATE.

09:09AM 6 NOW, THE FIRST TIME I HAD AN MDL IT WAS WITHIN ABOUT A
09:09AM 7 YEAR OF BEING CONFIRMED AS A FEDERAL JUDGE. AND WHEN I ASKED
09:10AM 8 MY COLLEAGUES, YOU KNOW, WHAT ARE YOUR THOUGHTS ON APPOINTING,
09:10AM 9 THEY SAID, OH, DON'T WORRY, EVERYBODY WILL FIGURE IT OUT AMONG
09:10AM 10 THEMSELVES AND IT'S USUALLY A GOOD SLATE.

09:10AM 11 WHEN I TALKED TO MY COLLEAGUES THIS TIME, THEY SAID, YEAH,
09:10AM 12 THEY DO IT AND NO ONE LIKES IT.

09:10AM 13 SO WE, AS JUDGES, DON'T LIKE IT, AND I'M NOT GOING TO DO
09:10AM 14 IT. I HAVE A LOT TO TALK TO YOU ABOUT, BUT I THINK, YOU KNOW,
09:10AM 15 IF WE'RE EVER GOING TO MIX THINGS UP, WE NEED PEOPLE TO NOT
09:10AM 16 GIVE US SLATES SO MUCH.

09:10AM 17 SO YOU MAY WANT TO THINK ABOUT IT. MAYBE I'M THE ONLY
09:10AM 18 JUDGE WHO THINKS THAT, BUT I CAN TELL YOU I WASN'T. BUT MAYBE
09:10AM 19 SOME OTHER JUDGES LIKE IT.

09:10AM 20 SO LET'S START WITH YOU, MR. SEEGER. WHY DON'T YOU COME
09:10AM 21 BACK TO THE MIC.

09:10AM 22 ONE OF THE THINGS THAT I'M INTERESTED IN, AND I'VE READ
09:10AM 23 ALL OF YOUR BIOGRAPHIES, I'VE READ THEM BEFORE I WENT TO THE
09:11AM 24 CONFERENCE, I READ THEM AFTER I WENT TO THE CONFERENCE. WHEN
09:11AM 25 YOU WERE INTRODUCED AT THE CONFERENCE ITSELF, THE JUDGE WHO

INTRODUCED YOU SAID YOU NEED NO INTRODUCTION, AND I SAT THERE AND I THOUGHT, WELL, I DON'T KNOW HIM. AND I DON'T KNOW HIM BECAUSE I HAVEN'T DONE A PRODUCTS CASE. I'VE ONLY DONE ANTITRUST, AIRPLANE CRASHES, AND INSURANCE, AMONG THE OTHER THINGS THAT I DO HERE.

SO I DON'T KNOW YOU AT ALL. I'D LIKE TO HEAR FROM YOU IN TERMS OF -- AGAIN, I'VE ALREADY READ SO YOU DON'T HAVE TO REPEAT WHAT IS IN YOUR FILING. LET ME ASK ALL OF YOU TO THINK ABOUT THE FOLLOWING: I WOULD LIKE TO KNOW -- I THINK THAT WHAT YOU HAVE RECOMMENDED IS PRETTY HEAVY IN TERMS OF A LEADERSHIP STRUCTURE. SO IF YOU WANT TO STICK WITH THAT, THEN I'D LIKE TO UNDERSTAND BETTER YOUR JUSTIFICATION FOR STICKING WITH IT. THAT'S ONE THING.

TWO, I'D LIKE TO UNDERSTAND HOW YOU AS A CO-LEAD, AND FIRST I WANT TO GO THROUGH THE PEOPLE WHO HAVE ASKED TO BE CO-LEADS, HOW YOU WOULD STRUCTURE, IF YOU WERE THE ONLY -- IF I APPOINTED ONE, HOW WOULD YOU STRUCTURE THE PLAINTIFFS' LAW FIRM AS YOU CLASSIFIED IT FOR THIS PARTICULAR CASE?

THE OTHER THING THAT I'M THINKING ABOUT DOING, AND WE'LL GET TO THIS IN A WHILE, THIS IS, AS I THINK WE ALL RECOGNIZE AND IT'S ONE OF THE REASONS THAT I TOOK IT BECAUSE, OF COURSE, YOU ALL KNOW, WE GET NO EXTRA PAY FOR DOING ALL OF THIS EXTRA WORK.

(LAUGHTER.)

THE COURT: ONE, IT'S VERY IMPORTANT FOR OUR

CHILDREN, FOR OUR COUNTRY, BUT IT'S ALSO PRETTY NOVEL, AND
THERE IS SECTION 230 OUT THERE.

SO IT APPEARS TO ME THAT ONE OF THE WAYS THAT I HAVE
THOUGHT ABOUT MANAGING THIS IS TO DEAL UP-FRONT WITH THE MOTION
TO DISMISS WORK THAT IS GOING TO COME, TO DO THAT IN PHASES
STARTING WITH YOUR BEST CASE.

AND IF YOU SURVIVE THAT, THEN I'LL OPEN DISCOVERY, AND
WE'LL PARALLEL TRACK WITH ALL OF THE OTHER CAUSES OF ACTION
THAT MAY OR MAY NOT SEE THE LIGHT OF DAY OR MAY OR MAY NOT EVER
GET TO A JURY.

SO THAT'S WHAT I'M THINKING.

AND IN THAT REGARD IT WOULD SEEM TO ME THAT PERHAPS ONE OF
THOSE THINGS THAT I CAN DO IS CREATE A MUCH SMALLER STRUCTURE
IN THE BEGINNING AND THEN IF WE GET PAST -- IF YOU GET PAST THE
GATE AND DISCOVERY OPENS, WELL, THEN I CAN REVISIT IT AND WE
CAN EXPAND THE GROUP.

ALL RIGHT. SO THOSE ARE SOME OF THE ISSUES THAT I'D LIKE
YOU TO TALK ABOUT, WHERE YOU SEE THIS LITIGATION GOING AND HOW
YOU THINK IT WILL SURVIVE IN LIGHT OF THE THINGS THAT THE
DEFENDANTS ARE SAYING.

ARE YOU USING LITIGATION FUNDING?

NOT EVERYBODY ADDRESSED THAT ISSUE HEAD ON, AND I WANT TO
KNOW EXPLICITLY WHETHER YOU USE IT OR INTEND TO USE IT IN THIS
CASE.

AND ALSO, YOUR THOUGHTS ON WHAT IF YOU NEVER GET DAMAGES

09:14AM 1 BUT ONLY INJUNCTIVE RELIEF?

09:14AM 2 OKAY. LAY IT OUT THEN.

09:14AM 3 MR. SEEGER: A LOT. DO YOU WANT ME TO START AT THE
09:14AM 4 TOP, YOUR HONOR?

09:14AM 5 THE COURT: OKAY.

09:14AM 6 MR. SEEGER: OKAY. SO I'D LIKE TO TAKE 30 SECONDS
09:14AM 7 ON THE -- WHAT WE -- THE MESSAGE THAT I THINK WE WERE TRYING TO
09:14AM 8 CONVEY BY SUBMITTING EXHIBITS TO OUR APPLICATION THAT ARE
09:15AM 9 IDENTICAL. IT WAS OBVIOUSLY SUGGESTIVE OF A SLATE. I DON'T
09:15AM 10 THINK WE WERE REALLY ATTEMPTING TO SAY TO YOUR HONOR, "HERE IS
09:15AM 11 OUR SLATE. COULD YOU RUBBER STAMP IT?"

09:15AM 12 THE IDEA WAS TO TRY TO SEND A MESSAGE THAT WE HAVE BEEN
09:15AM 13 WORKING TOGETHER FOR MANY MONTHS NOW. SO WE WERE ALL SEPARATE
09:15AM 14 GROUPS AT ONE POINT THAT KIND OF ORGANICALLY CAME TOGETHER, AND
09:15AM 15 THE GROUP HAS BEEN WORKING VERY WELL TOGETHER. AND EVERY NAME
09:15AM 16 THAT WE HAVE -- EVERY PERSON THAT HAS SUPPORTED US AND THAT WE
09:15AM 17 HAVE SUPPORTED THAT JUST -- IT JUST, IT JUST TURNED OUT THAT,
09:15AM 18 YOU KNOW, THERE WAS A LOT OF CONSISTENCY.

09:15AM 19 THE COURT: WELL, THERE WERE A COUPLE OF PEOPLE WHO
09:15AM 20 WERE NOT.

09:15AM 21 MR. SEEGER: YEAH, THERE WERE A COUPLE, RIGHT.

09:15AM 22 THE COURT: AND IS THAT BECAUSE YOU DIDN'T KNOW
09:15AM 23 THEM, BECAUSE YOU WEREN'T WORKING WITH THEM, OR BECAUSE YOU
09:15AM 24 DON'T LIKE THEM?

09:15AM 25 MR. SEEGER: NO. I LIKE EVERYBODY. I CAN SAY FOR

09:15AM 1 MYSELF IT WOULD BE BECAUSE I DIDN'T KNOW THEM AND I HADN'T
09:15AM 2 WORKED DIRECTLY WITH THEM IN THIS CASE. I MAY KNOW THEM FROM
09:15AM 3 OTHER CASES, BUT ON THIS ONE THAT WOULD BE IT.

09:15AM 4 SO, YEAH, TO THE EXTENT THAT WE LOOK LIKE WE WERE TRYING
09:16AM 5 TO PUT A SLATE IN FRONT YOU, WE WEREN'T REALLY NECESSARILY
09:16AM 6 TRYING TO DO IT. WE KNEW THAT YOUR ORDERS SUGGESTED YOU WANTED
09:16AM 7 INDIVIDUAL APPLICATIONS. WE WERE JUST TRYING TO SHOW YOU THAT
09:16AM 8 WE HAD BEEN WORKING VERY COHESIVELY TOGETHER.

09:16AM 9 THE STRUCTURE. SO I THINK ON YOUR SECOND POINT THAT YOU
09:16AM 10 RAISED, YOU'RE ASKING, SO IF YOU APPOINT FEWER CO-LEADS OR EVEN
09:16AM 11 A SMALLER COMMITTEE, HOW WOULD YOU GO ABOUT ORGANIZING THE
09:16AM 12 CASE?

09:16AM 13 THE COURT: IF I APPOINTED ONE -- IF I APPOINTED
09:16AM 14 YOU, HOW WOULD YOU STRUCTURE IT?

09:16AM 15 MR. SEEGER: I OBVIOUSLY WOULD NOT BE ABLE TO DO THE
09:16AM 16 CASE ALONE. AND EVERY PERSON ON THAT LIST THAT I HAVE BEEN
09:16AM 17 WORKING WITH FOR THE PAST SEVERAL MONTHS, INCLUDING PEOPLE FROM
09:16AM 18 MY FIRM, OBVIOUSLY IT'S NOT JUST ME, I HAVE TREMENDOUS SUPPORT
09:16AM 19 AT MY FIRM AND THERE ARE MANY PEOPLE WORKING ON THIS CASE, IT
09:16AM 20 WOULD PROBABLY LOOK LIKE -- IT WOULDN'T PROBABLY, IT WOULD LOOK
09:16AM 21 A LOT LIKE EXHIBIT A.

09:16AM 22 THE COURT: I'M NOT -- EXHIBIT A TELLS ME NOTHING
09:16AM 23 OTHER THAN PEOPLE.

09:16AM 24 MR. SEEGER: YES.

09:16AM 25 THE COURT: I'M ASKING ABOUT A LITTLE BIT MORE THAN

09:16AM 1 THAT.

09:16AM 2 MR. SEEGER: SO WHAT I WOULD -- HERE ARE MY THOUGHTS
09:16AM 3 ON IT, AND THIS IS VERY SIMILAR TO THE JUDGE WHO INTRODUCED ME
09:17AM 4 AT THE CONFERENCE. WE HAD A CASE THAT WAS SIMILAR IN THE SENSE
09:17AM 5 THAT WE HAD A LOT OF DEFENDANTS. AND IT WAS ONE OF THE
09:17AM 6 QUESTIONS THAT JUDGE KENNELLY ASKED US IN THE TRT, WHY DO I
09:17AM 7 NEED SO MANY LAWYERS? WHY DO YOU HAVE SO MANY? AND THE REASON
09:17AM 8 WHY WAS BECAUSE WE HAD SO MANY DEFENDANTS. AND WHAT WE TEND TO
09:17AM 9 DO IN ORGANIZING THE CASES IS TURN PEOPLE INTO SPECIALISTS AS
09:17AM 10 TO CERTAIN DEFENDANTS.

09:17AM 11 BY DOING THAT, WHEN WE REPORT TO EACH OTHER AND WE HAVE
09:17AM 12 OUR WEEKLY DISCOVERY CALLS, LEADERSHIP CALLS, SCIENCE CALLS,
09:17AM 13 THERE'S A LOT OF CROSS-CHECKING AND OVERLAP. EVERYBODY GETS TO
09:17AM 14 LEARN THE CASE FROM PEOPLE WHO ARE REALLY FOCUSED ON IT.

09:17AM 15 WE THINK THAT JUST TENDS TO BE THE MOST EFFICIENT WAY TO
09:17AM 16 DO IT.

09:17AM 17 SO, FOR EXAMPLE, IF THERE WAS A PARTICULAR MOTION DEALING
09:17AM 18 WITH SNAPCHAT, YOU WOULD LIKELY HAVE THE LAWYER WHO IS MOST
09:17AM 19 FAMILIAR WITH THAT ISSUE AND THE LEGAL ISSUES AND THE FACTS
09:17AM 20 ARGUING IN FRONT OF YOU ON THAT. AND THAT'S THE WAY THAT WE
09:17AM 21 WOULD DELEGATE.

09:17AM 22 NOW, THAT MAY NOT HAPPEN IN EVERY INSTANCE, BUT THAT'S
09:17AM 23 KIND OF THE WAY THAT I SEE THE CASE BEING ORGANIZED.

09:17AM 24 IF IT WERE ONE DEFENDANT, IT WOULD -- IT COULD POTENTIALLY
09:18AM 25 BE VERY DIFFERENT. BUT IN A CASE LIKE THIS WHERE THE RESOURCES

09:18AM 1 ARE GOING TO BE REQUIRED OF THE FIRMS THAT ARE HERE, NOT JUST
 09:18AM 2 THE BODIES BUT ALSO THE FINANCIAL RESOURCES, AND IT'S LIKELY TO
 09:18AM 3 BE A VERY EXPENSIVE CASE, AS THESE MDL'S TEND TO BE.

09:18AM 4 SO WE WOULD NEED TO RECRUIT PEOPLE WHO WOULD HELP CARRY
 09:18AM 5 THE LOAD ON ALL OF THOSE ISSUES.

09:18AM 6 ON THE -- I'LL GO BACK TO ANY ISSUE YOU WANT, YOUR HONOR.
 09:18AM 7 I JUST WANT TO HIT ALL OF THESE.

09:18AM 8 ON THE MOTION TO DISMISS, ON YOUR POINT ABOUT THAT, THE
 09:18AM 9 ONLY THING THAT IS IMPORTANT TO US IS THAT WE HAVE AN
 09:18AM 10 OPPORTUNITY TO MEET AND CONFER WITH THE DEFENDANTS ON THE IDEA
 09:18AM 11 OF A MASTER COMPLAINT BECAUSE OTHERWISE WHAT WILL HAPPEN, YES,
 09:18AM 12 THEY WILL --

09:18AM 13 THE COURT: I'M GOING TO ORDER A MASTER COMPLAINT.

09:18AM 14 MR. SEEGER: I'M SORRY, YOUR HONOR?

09:18AM 15 THE COURT: I'M GOING TO ORDER A MASTER COMPLAINT.

09:18AM 16 WE'RE NOT GOING TO HAVE A LOT OF DEBATE ABOUT THAT.

09:18AM 17 MR. SEEGER: OKAY, GOOD. WELL, THAT'S GOING TO BE
 09:18AM 18 VERY HELPFUL.

09:18AM 19 THE COURT: AND I HAD SOME QUESTIONS ABOUT WHAT THAT
 09:18AM 20 WILL LOOK LIKE, BUT ONE WILL BE ORDERED.

09:18AM 21 MR. SEEGER: RIGHT. AND IT WILL BE VERY HELPFUL
 09:18AM 22 BECAUSE I THINK THAT WHAT YOU'LL WIND UP WITH THEN IS A LIST OF
 09:19AM 23 THE CLAIMS THAT THE PLAINTIFFS REALLY WANT TO PURSUE. RIGHT
 09:19AM 24 NOW THERE ARE A LOT OF COMPLAINTS OUT THERE. SOME OF THOSE
 09:19AM 25 CLAIMS MAY GO AWAY JUST THROUGH THE PROCESS.

09:19AM 1 THE COURT: WELL, THERE'S SOME OF THESE WITH OVER 20
09:19AM 2 CAUSES OF ACTION.

09:19AM 3 MR. SEEGER: YES, EXACTLY.

09:19AM 4 WE WOULD LIKE TO PARE THAT DOWN. WE WOULD LIKE TO BOIL IT
09:19AM 5 DOWN. I THINK WE CAN DO THAT IN THE PROCESS OF CREATING A
09:19AM 6 MASTER COMPLAINT. LIKELY YOU WOULD WANT A MASTER ANSWER.

09:19AM 7 IF PEOPLE WANT TO DEVIATE FROM THE MASTER COMPLAINT, YOU
09:19AM 8 CAN CREATE A SHORT FORM COMPLAINT WITH ALMOST CHECK THE BOX,
09:19AM 9 YOU KNOW, SETUP, WHICH WE HAVE DONE IN PAST CASES, THAT WILL
09:19AM 10 SIMPLIFY THAT PROCESS. I THINK IT WILL SIMPLIFY THEIR MOTION
09:19AM 11 TO DISMISS AND OUR OPPOSITION TO IT AND THE COURT'S DECISIONS.

09:19AM 12 ON LITIGATION FUNDING, I CAN REPRESENT TO YOU WHY IT
09:19AM 13 DOESN'T HAPPEN WITH LITIGATION FUNDING.

09:19AM 14 I'M SORRY, YOUR HONOR. I MIGHT HAVE MISSED ONE OF YOUR
09:19AM 15 QUESTIONS. I THINK YOU WERE ASKING ABOUT --

09:19AM 16 THE COURT: -- RELIEF.

09:19AM 17 MR. SEEGER: OH, THE RELIEF.

09:19AM 18 THE COURT: I WANT TO UNDERSTAND HOW YOU THINK YOU
09:20AM 19 GET DAMAGES FOR THESE INDIVIDUALS IN THIS KIND OF A CASE.

09:20AM 20 MR. SEEGER: IF WE WERE TO PREVAIL ON THE PRODUCT
09:20AM 21 LIABILITY CLAIMS AND LET'S SAY -- I'LL JUST SAY -- I'LL TAKE A
09:20AM 22 HYPOTHETICAL CASE OF A TEENAGE SUICIDE, THERE WOULD BE -- THERE
09:20AM 23 WOULD BE DAMAGES AWARDED ON THE PRODUCT LIABILITY CLAIMS. WE
09:20AM 24 OBVIOUSLY WANT THEM TO CHANGE THEIR PRACTICES, THAT'S A BIG
09:20AM 25 PART OF THIS AS WELL.

09:20AM 1 THE COURT: THE WAY THE COMPLAINTS ARE CURRENTLY
09:20AM 2 STRUCTURED, THIS COULD IMPLICATE EVERY SINGLE PERSON. I DON'T
09:20AM 3 UNDERSTAND HOW THAT IS DOABLE.

09:20AM 4 MR. SEEGER: UNDERSTOOD, YOUR HONOR.

09:20AM 5 I THINK THAT ONCE A COMMITTEE IS FORMED AND WE BEGIN TO
09:20AM 6 WORK ON SOME OF THESE PROJECTS, I THINK THAT WE WOULD BE ABLE
09:20AM 7 TO REPORT ON A VERY CONSISTENT BASIS TO YOU THAT WE WOULD
09:20AM 8 PROBABLY BE ABLE TO NARROW THIS CASE DOWN A LITTLE BIT MORE
09:21AM 9 THAN IT APPEARS TO BE RIGHT NOW.

09:21AM 10 I DON'T WANT TO GET OUT AHEAD OF MY SKIS, AND I DON'T WANT
09:21AM 11 TO MAKE REPRESENTATIONS FOR PEOPLE SITTING IN THE COURTROOM
09:21AM 12 THAT MAY DISAGREE WITH ME.

09:21AM 13 THE COURT: IF THEY DISAGREE WITH YOU, I WANT TO
09:21AM 14 HEAR IT. THAT'S WHY I'M ASKING YOU THIS QUESTION. YOU'RE
09:21AM 15 UNFORTUNATELY THE FIRST ONE, BUT YOU GOT TO PRESENT TO ALL OF
09:21AM 16 THE JUDGES, SO I FIGURED THAT WORKS.

09:21AM 17 MR. SEEGER: I WAS ASKED.

09:21AM 18 THE COURT: YOU COULD HAVE DECLINED. THAT'S OKAY.
09:21AM 19 IT'S NOT BAD. IT'S JUST THAT'S WHY YOU'RE FIRST. AND THEY'RE
09:21AM 20 THINKING ABOUT IT WHILE YOU'RE UP HERE.

09:21AM 21 MR. SEEGER: YES, YES, I KNOW. I WISH I WAS THEM.

09:21AM 22 (LAUGHTER.)

09:21AM 23 THE COURT: IT'S OKAY. THAT'S WHY, YOU KNOW, I'M
09:21AM 24 THINKING ABOUT ALL OF YOU, AND THAT'S WHY I WOULD LIKE YOUR
09:21AM 25 THOUGHTS, AND THAT'S WHY I'M ASKING THESE QUESTIONS.

09:21AM 1 MR. SEEGER: SO I WOULD JUST SAY ON THE LAST POINT,
09:21AM 2 YOUR HONOR, YOU KNOW, WE HAD BEGUN TO DISCUSS SOME OF THESE
09:21AM 3 THINGS INFORMALLY WHEN WE WERE WORKING SORT OF LOOSELY
09:21AM 4 TOGETHER. THAT IS GOING TO INTENSIFY GOING FORWARD NO MATTER
09:22AM 5 WHO YOU SELECT, AND I DO THINK THAT THE LAST ISSUE THAT YOU
09:22AM 6 RAISED ABOUT RELIEF IS GOING TO BE A VERY BIG ISSUE FOR US TO
09:22AM 7 DISCUSS AND DECIDE ON.

09:22AM 8 IT WILL -- ULTIMATELY THOSE DECISIONS WILL GET BUILT INTO
09:22AM 9 THE MASTER COMPLAINT OBVIOUSLY, AND THAT'S WHY -- AND YOU'VE
09:22AM 10 ALREADY ORDERED THAT'S GOING TO HAPPEN, AND THAT'S WHY IT'S
09:22AM 11 SUCH AN IMPORTANT DOCUMENT FOR THIS CASE.

09:22AM 12 THE COURT: OKAY. ANYTHING ELSE YOU WANT ME TO
09:22AM 13 CONSIDER?

09:22AM 14 MR. SEEGER: NO. AND I'M GOING TO BE HERE THE WHOLE
09:22AM 15 TIME IF YOU THINK OF ANYTHING YOU WANT TO ASK ME, YOUR HONOR.
09:22AM 16 OBVIOUSLY, I'M GOING TO --

09:22AM 17 THE COURT: SO THIS IS THE OTHER THING I'M GOING TO
09:22AM 18 HAVE YOU DO.

09:22AM 19 MR. GARCIA -- YOU'RE GOING TO COME ON OVER TO THIS PODIUM.

09:22AM 20 MR. SEEGER: I AM?

09:22AM 21 THE COURT: YES, GO ON OVER TO THAT PODIUM.

09:22AM 22 MR. GARCIA IS GOING TO HAND YOU A PIECE OF PAPER.

09:22AM 23 MR. SEEGER: OKAY.

09:22AM 24 THE COURT: THIS IS A CLOSED BALLOT, STAND RIGHT
09:22AM 25 THERE, DON'T LEAVE. I WANT YOU TO FILL THAT FORM OUT AND HAND

09:22AM 1 IT BACK TO HIM.

09:22AM 2 MR. SEEGER: OKAY.

09:22AM 3 THE COURT: AND WHILE HE'S DOING THAT, LET'S HAVE

09:22AM 4 MS. HAZAM UP NEXT.

09:22AM 5 MS. HAZAM: GOOD MORNING, YOUR HONOR.

09:23AM 6 LEXI HAZAM OF LIEFF CABRASER.

09:23AM 7 THE COURT: GOOD MORNING. SAME QUESTIONS.

09:23AM 8 MS. HAZAM: YES, YOUR HONOR.

09:23AM 9 FIRST, ADDRESSING YOUR QUESTION ABOUT LEADERSHIP

09:23AM 10 STRUCTURE, I WOULD SAY THAT GIVEN THE GROUNDBREAKING NATURE OF

09:23AM 11 THIS MDL, AS YOUR HONOR HAS NOTED, AND ITS BROAD SCOPE, IT WILL

09:23AM 12 ULTIMATELY CALL FOR ROBUST LEADERSHIP WITH DIVERSE SKILLS AND

09:23AM 13 FORMIDABLE RESOURCES, AND THAT'S PARTICULARLY THE CASE GIVEN

09:23AM 14 THE NUMBER OF DEFENDANTS AND THE VARIETY OF CLAIMS AND INJURIES

09:23AM 15 AT ISSUE.

09:23AM 16 YOUR HONOR HAS POSED THE QUESTION OF WHETHER SUCH A LARGER

09:23AM 17 STRUCTURE IS NECESSARY IMMEDIATELY, PARTICULARLY IF WE WERE TO

09:23AM 18 PROCEED TO MOTIONS. A FEW COMMENTS ON THAT.

09:23AM 19 FIRST OF ALL, I DO BELIEVE THAT THERE ARE ASPECTS OF WHAT

09:23AM 20 YOU MIGHT CALL DISCOVERY OR MIGHT MORE FITTINGLY CALL FIRST DAY

09:23AM 21 ORDERS THAT DO REQUIRE ATTENTION IMMEDIATELY EVEN IF WE WERE TO

09:23AM 22 PROCEED QUICKLY TO MOTION PRACTICE, AND THOSE HAVE TO DO WITH

09:23AM 23 MATTERS OF PRESERVATION OF ESI IN PARTICULAR, WHICH WILL BE

09:24AM 24 QUITE COMPLEX AND QUITE BROAD IN SCOPE POTENTIALLY IN THIS

09:24AM 25 LITIGATION AND CANNOT WAIT.

WE DON'T WANT TO END UP HAVING TO LITIGATE PROBLEMS WITH THAT AFTER THE FACT. WE WANT TO SET IT UP PROPERLY FROM THE OUTSET, AND I THINK OTHER FIRST DAY ORDERS LIKE PROTECTIVE ORDERS WOULD ALSO BE APPROPRIATE HERE.

SO I DO THINK THAT THERE NEEDS TO BE A TEAM TASKED WITH TAKING THOSE CHALLENGES ON EARLY IN THIS LITIGATION.

I ALSO THINK THAT THERE ARE CONSIDERATIONS OF TIMING WITH REGARDS TO MOTIONS TO DISMISS THAT THE COURT SHOULD TAKE INTO ACCOUNT INCLUDING THE PENDENCY OF THE GONZALEZ CASE BEFORE THE UNITED STATES SUPREME COURT WHICH REACHES ISSUES OF THE SCOPE OF 230 MAY ALSO HAVE A NEXUS TO QUESTIONS IN THE FIRST AMENDMENT. THESE ARE SOME OF THE ISSUES THAT THE DEFENDANTS HAVE ARGUED SHOULD BE DEALT WITH IMMEDIATELY IN MOTION PRACTICE AND HAVE SAID ARE CROSS-CUTTING ISSUES.

I THINK PLAINTIFFS WOULD SUBMIT THAT THEY'RE NOT AS CROSS-CUTTING AS DEFENDANTS BELIEVE, THAT THEY MAY VARY SOMEWHAT WITH THE CLAIMS AND THE FACTS OF THE CASE, BUT WE WOULD ALSO SUBMIT THAT THEY ARE LIKELY TO BE SHAVED SIGNIFICANTLY BY THE SUPREME COURT'S DECISION SUCH THAT IF MOTION PRACTICE DOES SUCCEED IMMEDIATELY, WHICH OF COURSE WE ALL CAN DO AND ARE PREPARED TO DO IF THAT'S THE COURT'S PREFERENCE, IT MAY RESULT IN AMENDMENTS TO PLEADINGS AND BRIEFING BEING REDONE AND EVEN UNDER THE SCHEDULE THAT THE DEFENDANTS PROPOSE, A HEARING ON THOSE MOTIONS MAY NOT OCCUR UNTIL THE GONZALEZ DECISION HAS COME DOWN OR IS IMMINENT.

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SO THAT'S AN ISSUE WITH REGARDS TO SCHEDULING.

BUT REGARDLESS, I THINK WE NEED TO WORK ON THOSE ISSUES OF PRESERVATION AND FIRST DAY ORDERS IN THE MEANTIME.

WITH REGARDS TO HOW ONE WOULD STRUCTURE LEADERSHIP IN THIS CASE, I THINK THERE'S A QUESTION OF WHETHER YOU HAVE TRACKING FROM THE GET-GO AT THE SORT OF TOP LEVEL. DO YOU TRACK INTO DEFENDANTS' AND/OR INJURIES?

MY OWN PREFERENCE AND RECOMMENDATION WOULD BE TO FIRST TRACK INTO COMMITTEES THAT DEAL WITH SUBJECT AREAS OF THE CASE AND PHASES OF THE CASE LIKE DISCOVERY, PLEADINGS, LAW AND BRIEFING, SETTLEMENT. BUT WITHIN THOSE KINDS OF COMMITTEES, I THINK YOU ABSOLUTELY WILL NEED PEOPLE WHO ARE TASKED WITH PARTICULAR DEFENDANTS AND PARTICULAR INJURIES AS MR. SEEGER SUGGESTED.

THE COURT: ONE OF THE WAYS THAT AT LEAST I UNDERSTAND IT FROM THE COMPLAINTS THAT HAVE BEEN FILED THAT YOU'RE SEEKING TO AVOID THE IMMUNITIES THAT COME WITH SECTION 230 IS TO MAKE ALLEGATIONS OF THE ACTUAL ALGORITHMS THAT ARE BEING USED TO CREATE THE ADDICTIVE BEHAVIORS.

AM I WRONG?

MS. HAZAM: NO, YOU'RE NOT, YOUR HONOR. THERE ARE ALLEGATIONS IN MANY COMPLAINTS OF DEFECTIVE DESIGNS OF THESE PLATFORMS, INCLUDING THEIR ALGORITHMS.

THE ALLEGATIONS ARE NOT LIMITED TO THE ALGORITHMS. THEY ALSO TOUCH UPON OTHER ASPECTS OF DESIGN SUCH AS LACK OF

09:27AM 1 SUFFICIENT PARENTAL CONTROLS AND WHAT WE CALL AGE GATING,
09:27AM 2 ESSENTIALLY AGE VERIFICATION SYSTEMS, ALSO DESIGNS THAT CONNECT
09:27AM 3 CHILDREN OR MINORS TO ADULTS INCLUDING PREDATORY ADULTS THAT
09:27AM 4 MAY HAVE CONSEQUENCES WITH REGARDS TO CHILD SEXUAL ABUSE.

09:27AM 5 THE COURT: IT WOULD SEEM TO ME IF THAT'S THE CASE,
09:27AM 6 THEN THE ALLEGATIONS AS TO THE INDIVIDUAL DEFENDANTS HAVE TO BE
09:27AM 7 DIFFERENT.

09:27AM 8 MS. HAZAM: THEY ARE TO SOME EXTENT. THERE ARE
09:27AM 9 COMMONALITIES OF DESIGN. IN OTHER WORDS, MANY, IF NOT ALL OF
09:27AM 10 THESE PLATFORMS, ARE SUSCEPTIBLE TO PLAINTIFFS' ALLEGATIONS
09:27AM 11 REGARDING DEFECTIVELY DESIGNED ALGORITHMS.

09:27AM 12 THE ALGORITHMS USED ARE PROPRIETARY AND PRESUMABLY
09:27AM 13 DIFFERENT IN VARIOUS WAYS, BUT THERE IS A COMMONALITY THERE
09:27AM 14 THAT WOULD, I THINK, INVOLVE CROSS-POLLINATION OF DISCOVERY
09:28AM 15 SUCH THAT YOU WANT A DISCOVERY COMMITTEE THAT HAS PEOPLE WITHIN
09:28AM 16 IT LOOKING AT EACH DEFENDANT BUT ALSO TALKING TO EACH OTHER
09:28AM 17 ABOUT THE WAYS THAT THOSE ALGORITHMS WORK ACROSS DEFENDANTS.

09:28AM 18 ALSO --

09:28AM 19 THE COURT: HOW CAN WE DO THAT WITHOUT IMPACTING THE
09:28AM 20 DEFENDANTS' ABILITY TO HAVE THEIR PROPRIETARY INFORMATION NOT
09:28AM 21 SHARED ACROSS DEFENDANTS?

09:28AM 22 MS. HAZAM: IT'S A VERY GOOD QUESTION, YOUR HONOR,
09:28AM 23 AND I THINK IT GOES TO THOSE FIRST DAY ORDERS.

09:28AM 24 IN THE FIRST PLACE, WE HAVE TO TALK ABOUT PROTECTIVE
09:28AM 25 ORDERS NOT ONLY IN THE TRADITIONAL SENSE OF IF YOU HAD A

09:28AM 1 DEFENDANT -- ONE DEFENDANT IN YOUR CASE AND YOU WANTED TO
09:28AM 2 PROTECT ITS TRADE SECRETS FROM PUBLICATION TO THE WIDER PUBLIC
09:28AM 3 AND THE SAME FOR YOUR CLIENT SENSITIVE INFORMATION, THERE MAY
09:28AM 4 BE CONCERNS BETWEEN DEFENDANTS IN THIS CASE AS WELL, AND I
09:28AM 5 THINK THOSE SHOULD ALSO BE DEALT WITH UP-FRONT IN DISCUSSIONS
09:28AM 6 OF PROTECTIVE ORDERS.

09:29AM 7 THE COURT: HOW MUCH -- TO WHAT EXTENT DO YOU HAVE
09:29AM 8 WHISTLEBLOWER INFORMATION THAT HAS GIVEN YOU MORE INSIGHTS
09:29AM 9 ABOUT ONE DEFENDANT VERSUS ANOTHER?

09:29AM 10 MS. HAZAM: I THINK THAT WE DO HAVE MORE INSIGHT
09:29AM 11 THROUGH WHISTLEBLOWERS FOR SOME OF DEFENDANTS, PARTICULARLY
09:29AM 12 META WHICH ALSO OWNS INSTAGRAM, THROUGH FRANCES HAUGEN'S
09:29AM 13 ALLEGATIONS, AND MANY OF WHICH HAVE BEEN MADE PUBLIC, CERTAIN
09:29AM 14 DOCUMENTS HAVE BEEN MADE PUBLIC.

09:29AM 15 THERE MAY BE OTHER WHISTLEBLOWERS. I THINK SHE IS THE
09:29AM 16 MOST PROMINENT ONE TO DATE, AND, THEREFORE, THE MOST
09:29AM 17 INFORMATION EXISTS AS TO THAT DEFENDANT. THERE MAY BE OTHERS
09:29AM 18 AND OTHERS MAY COME FORWARD.

09:29AM 19 THE COURT: OKAY. OTHER THOUGHTS?

09:29AM 20 MS. HAZAM: SURE. YOUR HONOR, JUST TO ADDRESS THE
09:29AM 21 OTHER TWO POINTS YOU RAISED.

09:29AM 22 MY FIRM DOES NOT USE LITIGATION FUNDING IN THIS CASE OR
09:29AM 23 ANY CASE.

09:29AM 24 AND ALSO YOUR QUESTION WITH REGARDS TO DAMAGES AND
09:29AM 25 INJUNCTIVE RELIEF, I WOULD ECHO MR. SEEGER IN SAYING THAT THE

09:30AM 1 PLAINTIFFS SEEK BOTH IN THIS LITIGATION. THERE ARE CASES
09:30AM 2 INVOLVING VERY SEVERE PHYSICAL INJURIES SUCH AS THERE ARE
09:30AM 3 EATING DISORDERS, ATTEMPTED SUICIDES THAT RESULT IN
09:30AM 4 HOSPITALIZATIONS. THOSE ARE THE KINDS OF CLAIMS FOR WHICH
09:30AM 5 PLAINTIFFS IN MASS TORT CASES TYPICALLY SEEK COMPENSATORY
09:30AM 6 DAMAGES SO THEY ARE AT ISSUE, BUT WE LIKEWISE DO BELIEVE THAT
09:30AM 7 CHANGES IN PRACTICES WOULD BE AN APPROPRIATE TYPE OF RELIEF IN
09:30AM 8 THIS CASE AND ONE THAT WE HOPE TO WORK ON.

09:30AM 9 THE COURT: OKAY. THANK YOU.

09:30AM 10 MS. HAZAM: THANK YOU, YOUR HONOR.

09:30AM 11 THE COURT: IF YOU'LL COME OVER HERE.

09:30AM 12 MR. GARCIA WILL GIVE YOU THAT SLIP, AND HAND IT UP TO ME.

09:30AM 13 ALL RIGHT. NEXT, MS. JEFFCOTT.

09:30AM 14 MS. JEFFCOTT: GOOD MORNING, YOUR HONOR.

09:30AM 15 EMILY JEFFCOTT OF MORGAN & MORGAN.

09:30AM 16 TO ADDRESS YOUR QUESTIONS AND BEGINNING WITH WHY DO WE
09:30AM 17 NEED A LEADERSHIP STRUCTURE THAT IS ADMITTEDLY ON THE LARGER
09:31AM 18 SIDE?

09:31AM 19 AND I THINK STEPPING BACK AND LOOKING AT WHAT HAS BEEN
09:31AM 20 ENCOMPASSED BY THIS MDL, AT THIS POINT WE HAVE AT LEAST FIVE
09:31AM 21 PRODUCTS AT ISSUE: FACEBOOK, INSTAGRAM, TIKTOK, SNAP, GOOGLE
09:31AM 22 AND POTENTIALLY OTHERS BASED ON HOW THE MDL HAS DESCRIBED THIS
09:31AM 23 LITIGATION.

09:31AM 24 AND EACH ONE OF THOSE PRODUCTS IMPLICATES A NUMBER OF
09:31AM 25 DEFENDANTS.

09:31AM 1 AND WE KNOW JUST BASED ON THE PLEADINGS THAT HAVE BEEN
09:31AM 2 FILED IN THIS CASE THAT THERE ARE UNDERLYING FACTUAL
09:31AM 3 ALLEGATIONS AND SCENARIOS THAT VARY FROM PLAINTIFF TO
09:31AM 4 PLAINTIFF.

09:31AM 5 AND SO BASED ON THE BREADTH AND SCOPE OF THIS LITIGATION,
09:31AM 6 WE BELIEVE THAT A LARGER LEADERSHIP STRUCTURE IS WARRANTED.

09:31AM 7 AND IN PARTICULAR, WHEN IT COMES TO CO-LEAD STRUCTURE,
09:31AM 8 WHEN IT COMES TO A LITIGATION THAT IS AS BROAD AS THIS, WE KNOW
09:31AM 9 THAT FOUR CO-LEADS WORKED. I POINT YOUR HONOR TO THE
09:32AM 10 JUUL LITIGATION. THERE FOUR CO-LEADS WERE APPOINTED BY
09:32AM 11 JUDGE ORRICK, AND IN THAT CASE THE CO-LEADS WERE ABLE TO
09:32AM 12 MANAGEABLY BREAK DOWN THE RESPONSIBILITIES.

09:32AM 13 THE COURT: SO HOW WOULD YOU BREAK THEM DOWN HERE?

09:32AM 14 MS. JEFFCOTT: YOUR HONOR, I WOULD SUBMIT THAT
09:32AM 15 SIMILAR TO WHAT MR. SEEGER PROPOSED TO THE COURT, THAT ONE WAY
09:32AM 16 TO BREAK THIS DOWN IS ON A DEFENDANT-BY-DEFENDANT BASIS.

09:32AM 17 ANOTHER WAY TO BREAK THIS DOWN IS ON THE TYPE OF CLAIM
09:32AM 18 ALLEGED, WHETHER IT'S FOUNDED ON SEXUALLY EXPLICIT MATERIAL,
09:32AM 19 WHETHER IT'S BASED ON A SPECIFIC DEFENDANT. THERE ARE A NUMBER
09:32AM 20 OF DIFFERENT WAYS THAT ONCE LEADERSHIP IS APPOINTED, THAT THE
09:32AM 21 PARTIES COULD ASSESS WHAT IS THE BEST WAY TO BREAK UP
09:32AM 22 LEADERSHIP?

09:32AM 23 ANOTHER OPTION AND ONE THAT WAS PURSUED IN THE JUUL MDL IS
09:32AM 24 BASED UPON THE SPECIFIC EXPERTISE OF THE CO-LEAD. SOME
09:33AM 25 CO-LEADS HAVE MORE EXPERIENCE IN THE SCIENCE AND TECHNICAL

09:33AM 1 REALM WHILE OTHERS IN THE LAW AND BRIEFING. I THINK THAT IS
09:33AM 2 ONE WAY THAT WE COULD ALSO DIVIDE UP RESPONSIBILITIES HERE.

09:33AM 3 NOW, YOUR HONOR, FOR YOUR SECOND POINT, YOU KNOW, WHY
09:33AM 4 NOT -- WHY START WITH FOUR CO-LEADS AS OPPOSED TO A SMALLER
09:33AM 5 LEADERSHIP STRUCTURE?

09:33AM 6 AND, YOUR HONOR, I WOULD POINT TO THE FACT THAT AS
09:33AM 7 MS. HAZAM EXPLAINED, THAT IN ADDITION TO, IF YOUR HONOR WANTS
09:33AM 8 TO PROCEED WITH MOTIONS TO DISMISS, THERE IS STILL THE
09:33AM 9 PRESERVATION WORK IN THOSE FIRST DAY GATING ORDERS THAT WILL
09:33AM 10 TAKE TIME TO PUT INTO PLACE AND ESSENTIALLY THE LEG WORK THAT
09:33AM 11 WILL BE REQUIRED NOT ONLY TO MAKE SURE THAT WE ARE PROTECTING
09:33AM 12 THE DEFENDANT BY DEFENDANT -- DEFENDANT TECHNICAL WORK PRODUCT,
09:33AM 13 BUT ALSO ENSURING THAT WE HAVE DEVELOPED THE PROTOCOLS FOR ESI
09:33AM 14 AND FOR TARP TO MAKE SURE THAT WE ARE SETTING OURSELVES UP FOR
09:33AM 15 A SECTION OF DISCOVERY.

09:34AM 16 AND THE NORTHERN DISTRICT OF CALIFORNIA ALREADY HAS GATING
09:34AM 17 ORDERS THAT WOULD HELP US FACILITATE AND GUIDE US THROUGH THAT
09:34AM 18 PROCESS, BUT THAT PROCESS IS GOING TO TAKE TIME AND A LOT OF
09:34AM 19 WORK.

09:34AM 20 FURTHERMORE, YOUR HONOR HAS ALREADY ORDERED A MASTER
09:34AM 21 COMPLAINT, AND THAT PROCESS TO DEVELOP A MASTER COMPLAINT WILL
09:34AM 22 ALSO TAKE TIME BECAUSE OF THE BREADTH OF THIS LITIGATION AND
09:34AM 23 THE NUMBER AND THE DIVERSE CLAIMS THAT HAVE BEEN KIND OF
09:34AM 24 SUBSUMED BEFORE YOUR HONOR.

09:34AM 25 NOW, YOUR NEXT POINT OF HOW WOULD YOU STRUCTURE THE

LEADERSHIP? IN GOING BACK TO THAT FOUR CO-LEAD STRUCTURE, HOW I WOULD ENVISION IT, YOUR HONOR, IS DIVIDING IT UP OF SPECIFIC CO-LEADS, HAVING OVERSIGHT OVER UNDERLYING COMMITTEES.

AND I THINK THAT'S IMPORTANT TO ENSURE THAT THERE IS EFFICIENCY AND EFFECTIVENESS WITH RESPECT TO THE COMMITTEE WORK SO THERE'S NOT NECESSARILY DUPLICATIVE EFFORTS GOING ON ACROSS COMMITTEES.

AND WE'VE SEEN THAT IN JUUL AND IN THE CPAP LITIGATION AND OTHER LITIGATIONS WHERE THERE'S THIS FOUR CO-LEAD STRUCTURE THAT ALLOWS THE CO-LEADS TO HAVE THE TIME TO BE ABLE TO PROVIDE THAT NECESSARY OVERSIGHT ON THE COMMITTEES.

THE COURT: SO IF YOU ALREADY ARE CO-CHAIRING ONE OF THOSE SUBCOMMITTEES, HOW COULD YOU HAVE THE TIME TO CO-LEAD THIS MDL?

MS. JEFFCOTT: YOUR HONOR, RESPECTFULLY, I'M NOT SUGGESTING THAT A CO-LEAD WOULD ALSO CO-CHAIR WITH THE THREE BUT RATHER BE AN EFFECTIVE PARTICIPANT.

THE COURT: SO YOU SAID THAT YOU'RE A MEMBER OF THE JUUL SCIENCE AND EXPERTS COMMITTEE AS CO-CHAIR, THAT'S WHAT I READ?

MS. JEFFCOTT: YES, YOUR HONOR. I APOLOGIZE.

THE COURT: GIVEN THAT YOU HAVE THAT COMMITMENT ALREADY, HOW CAN YOU BE A CO-LEAD IN THIS MDL?

MS. JEFFCOTT: YES, YOUR HONOR.

RESPECTFULLY, THE POSITION OF THE JUUL MDL, IT'S IN A VERY

09:35AM 1 MATURE STANDPOINT. AND IN TERMS OF MY WORK ON THE SCIENCE AND
 09:35AM 2 EXPERTS COMMITTEE THERE, THAT HAS LARGELY CONCLUDED,
 09:35AM 3 YOUR HONOR.

09:35AM 4 SO AT THIS POINT AND AT THIS TIME I AM FULLY DEVOTED TO
 09:36AM 5 THIS MATTER AND ENSURING THAT I COULD CO-LEAD OR LEAD IT FOR
 09:36AM 6 THAT MATTER IN THE WAY THAT YOUR HONOR SEES FIT.

09:36AM 7 NOW, YOUR HONOR, I WOULD REPRESENT THAT MORGAN & MORGAN
 09:36AM 8 DOES NOT USE FUNDING LITIGATION, WE HAVEN'T, AND WE WON'T IN
 09:36AM 9 THE FUTURE.

09:36AM 10 IN TERMS OF DAMAGES AND INJUNCTIVE RELIEF, I, I -- IN
 09:36AM 11 ADDITION TO WHAT MS. HAZAM AND MR. SEEGER SAID, I THINK A
 09:36AM 12 NATURAL POINT IS THAT YOU HAD MENTIONED THAT THIS LITIGATION
 09:36AM 13 AND THE WAY THAT THE CLAIMS ARE FRAMED HAVE THE POTENTIAL TO
 09:36AM 14 IMPLICATE BROAD SWATHS OF PEOPLE. AND I THINK THAT THE NATURAL
 09:36AM 15 PART OF THE MDL PROCESS AND THE ROLE OF THE MDL JUDGE IS BEING
 09:36AM 16 ABLE TO NARROW THOSE POINTS THROUGH MASTER COMPLAINTS, AND MORE
 09:36AM 17 IMPORTANTLY, THROUGH THE DAUBERT PROCESS AND ENSURING THAT THE
 09:36AM 18 LEADING SCIENTIFIC AND TECHNICAL EVIDENCE EXISTS TO PUT FORTH
 09:36AM 19 THE VALID CLAIMS.

09:36AM 20 SO THAT'S A NATURAL CHECK AND BALANCE TO ENSURE THAT THE
 09:36AM 21 CLAIMS BEFORE THE COURT AND THE EVIDENCE SUPPORTS IT.

09:37AM 22 YOUR HONOR, I'M HAPPY TO ADDRESS ANY OTHER QUESTIONS THAT
 09:37AM 23 YOU MAY HAVE.

09:37AM 24 THE COURT: DID YOU GROW UP IN SAN ANTONIO?

09:37AM 25 MS. JEFFCOTT: I DIDN'T. I WENT TO LAW SCHOOL IN

09:37AM 1 SAN ANTONIO.

09:37AM 2 THE COURT: I SEE THAT, THAT'S WHY I ASKED.

09:37AM 3 MS. JEFFCOTT: MY UNCLE STILL LIVES THERE. I'M
09:37AM 4 ACTUALLY HEADED THERE TOMORROW MORNING FOR A WEDDING, FOR MY
09:37AM 5 COUSIN'S WEDDING.

09:37AM 6 THE COURT: I GREW UP THERE, THAT'S WHY I ASKED.

09:37AM 7 OKAY. IF YOU'LL STAND OVER -- COME OVER HERE
09:37AM 8 (INDICATING) .

09:37AM 9 MS. JEFFCOTT: THANK YOU, YOUR HONOR.

09:37AM 10 THE COURT: NEXT I HAVE JOSEPH VANZANDT.

09:37AM 11 MR. VANZANDT: GOOD MORNING, YOUR HONOR.

09:37AM 12 JOSEPH VANZANDT FROM THE BEASLEY ALLEN LAW FIRM.

09:37AM 13 I'M GOING TO GO THROUGH THE QUESTIONS THAT YOU'VE ASKED
09:37AM 14 AND TRY NOT TO REPEAT EVERYTHING MY COLLEAGUES HAVE SAID.

09:38AM 15 CERTAINLY I DO AGREE WITH A LOT OF THE POINTS THAT THEY HAVE
09:38AM 16 MADE AND CERTAINLY WON'T WASTE THE COURT'S TIME WITH RESTATING
09:38AM 17 A LOT OF THE SAME STUFF.

09:38AM 18 BUT IN TERMS OF THE LEADERSHIP STRUCTURE, I DO BELIEVE
09:38AM 19 THAT WE NEED A LARGE TEAM TO MANAGE THIS CASE REALLY FROM DAY
09:38AM 20 ONE. THE SCOPE OF THE MDL THAT THE JPML CREATED HERE IS LARGE
09:38AM 21 ALREADY AND THAT'S POTENTIAL TO EVEN GROW FURTHER IN THE
09:38AM 22 FUTURE.

09:38AM 23 THE COURT: RIGHT. BUT IF YOU THROW IT OUT ON A
09:38AM 24 MOTION TO DISMISS, THEN WHAT? THEN IT'S GONE, RIGHT? SO WHY
09:38AM 25 DO I NEED ALL OF THOSE PEOPLE IN THE FIRST INSTANCE?

09:38AM 1 MR. VANZANDT: RIGHT. THAT'S CERTAINLY A RISK THAT
09:38AM 2 WE FACE IN ANY CASE IS THAT IT BEING DISMISSED IN MOTIONS TO
09:38AM 3 DISMISS, BUT IT'S REALLY IMPORTANT FROM DAY ONE TO HAVE A
09:38AM 4 COHESIVE TEAM WORKING TOGETHER AND PLANNING FOR THE ENTIRE
09:38AM 5 LITIGATION.

09:38AM 6 OBVIOUSLY THERE ARE GOING TO BE PEOPLE FOCUSING ON THE
09:38AM 7 MOTION TO DISMISS ASPECT, BUT SIMULTANEOUSLY, WE NEED TO BE
09:38AM 8 WORKING ON PRESERVATION ISSUES, PLANNING FOR DISCOVERY, HAVING
09:38AM 9 A TEAM WITH AN EYE TOWARDS TRIAL.

09:38AM 10 I MEAN, FROM DAY ONE, WE WILL BE PLANNING OUT A SCOPE AND
09:38AM 11 FOR THE ENTIRE COURSE OF THIS LITIGATION, AND OBVIOUSLY WE ARE
09:38AM 12 HOPEFUL THAT WE WOULD GET PAST THE MOTION TO DISMISS STAGE, BUT
09:39AM 13 AT THAT POINT WE WANT TO BE FAR AHEAD IN TERMS OF OUR PLAN AND
09:39AM 14 OUR WORK PLAN THAT WILL CARRY THE ENTIRE COURSE OF THIS
09:39AM 15 LITIGATION.

09:39AM 16 AND IT IS IMPORTANT THAT IT BE A COHESIVE TEAM FROM DAY
09:39AM 17 ONE AS OPPOSED TO PHASING IT TO WHERE YOU MAY HAVE A TEAM THAT
09:39AM 18 GETS IN-DEPTH KNOWLEDGE DRAFTING THE PLEADINGS, OPPOSING
09:39AM 19 MOTIONS TO DISMISS, AND GETS INSTITUTIONAL KNOWLEDGE OF THE
09:39AM 20 CASE, AND THEN LATER ON BRINGING IN NEW PEOPLE WHO HAVE MISSED
09:39AM 21 MAYBE MONTHS, OR EVEN MAYBE OVER A YEAR OF INSTITUTIONAL
09:39AM 22 KNOWLEDGE ABOUT THE CASE, ABOUT THE FACTS, AND ABOUT THE LEGAL
09:39AM 23 ISSUES IN THE CASE. SO IT IS IMPORTANT TO HAVE THAT STRUCTURE
09:39AM 24 MOVING FORWARD FROM DAY ONE.

09:39AM 25 A LARGER STRUCTURE IS ALSO IMPORTANT TO ENSURE THAT

09:39AM 1 THERE'S DIVERSITY AMONG THE LEADERSHIP TEAM WITH EXPERIENCE.

09:39AM 2 THE COURT: HOW DIVERSE? WHAT DIVERSITY DO YOU

09:39AM 3 BRING?

09:39AM 4 MR. VANZANDT: MYSELF?

09:39AM 5 THE COURT: YOU RAISED THE ISSUE SO.

09:39AM 6 MR. VANZANDT: SURE. YEAH. YOUR HONOR, WHAT I'M

09:39AM 7 TALKING ABOUT IS DIVERSITY IN BACKGROUND AND EXPERIENCE.

09:39AM 8 THE COURT: THAT'S WHAT I'M ASKING.

09:39AM 9 MR. VANZANDT: SURE. MY DIVERSITY WOULD INCLUDE

09:40AM 10 OBVIOUSLY HAVING WORKED PREVIOUSLY AS A DEFENSE LAWYER AND NOW

09:40AM 11 WORKING IN THE MDL SETTING FOR THE LAST SIX YEARS AND HAVING A

09:40AM 12 LOT OF EXPERIENCE IN THE MDL SETTING.

09:40AM 13 THE COURT: OKAY. SO EVERYBODY HAS EXPERIENCE

09:40AM 14 EXCEPT FOR I THINK TWO IN THE MDL SETTING.

09:40AM 15 SO I DON'T KNOW WHAT YOU MEAN BY THAT.

09:40AM 16 MR. VANZANDT: RIGHT.

09:40AM 17 THE COURT: IN TERMS OF YOUR DIVERSITY AS I

09:40AM 18 INTERVIEW EVERYBODY ON THIS SIDE HERE.

09:40AM 19 MR. VANZANDT: RIGHT. I THINK EVERYONE HERE,

09:40AM 20 WHETHER OR NOT THEY HAVE MDL EXPERIENCE OR NOT, HAVE DIVERSE

09:40AM 21 BACKGROUNDS AND EXPERIENCES, DIFFERENT TYPES OF CASES,

09:40AM 22 DIFFERENT TYPES OF LITIGATION, DIFFERENT EXPERTISE RELATED TO

09:40AM 23 THE SPECIFIC TYPES OF CASES.

09:40AM 24 THE COURT: MR. VANZANDT, I UNDERSTAND IT. I COULD

09:40AM 25 PROBABLY FIGURE IT OUT. I'M ASKING YOU ABOUT YOU.

09:40AM 1 MR. VANZANDT: RIGHT. OKAY.

09:40AM 2 WELL, I WOULD SAY THEN THAT THE DIVERSE ASPECT I BRING TO
09:40AM 3 THIS CASE IN TERMS OF THE LEGAL WORK IS PROBABLY MY WORK THAT
09:40AM 4 I'VE DONE ON THE JUUL LITIGATION REPRESENTING THOUSANDS OF
09:40AM 5 YOUNG INDIVIDUALS, MOSTLY ADOLESCENT PLAINTIFFS, AND HAVING
09:40AM 6 THAT EXPERIENCE OF REPRESENTING THAT CLIENT POPULATION, THE
09:41AM 7 ISSUES THAT ARE INVOLVED WITH CONDUCTING DISCOVERY ON YOUNG
09:41AM 8 PEOPLE WITH VERY SENSITIVE ISSUES RELATED TO SOCIAL MEDIA, AND
09:41AM 9 THOSE ARE ALL ISSUES THAT ARE GOING TO BE FRONT AND CENTER IN
09:41AM 10 THIS CASE, AND SO THAT'S SOMETHING THAT I HAVE SPENT THE LAST
09:41AM 11 THREE YEARS OF MY PROFESSIONAL LIFE DOING AND DEVOTED TO
09:41AM 12 REPRESENTING THAT CLIENT POPULATION, AND IT'S CERTAINLY A WAY
09:41AM 13 THAT MY BACKGROUND BRINGS DIVERSITY TO THE LEGAL EXPERIENCE OF
09:41AM 14 THIS TEAM.

09:41AM 15 THE COURT: ARE YOU STILL WORKING ON THAT CASE?

09:41AM 16 MR. VANZANDT: YES, YOUR HONOR, I AM.

09:41AM 17 THE COURT: SO HOW DO YOU HAVE TIME TO WORK ON THAT
09:41AM 18 CASE AND THIS CASE?

09:41AM 19 MR. VANZANDT: SURE. SO AS MS. JEFFCOTT NOTED, THAT
09:41AM 20 CASE IS CERTAINLY VERY MATURE IN WHERE IT STANDS, BUT THE GOOD
09:41AM 21 PART ABOUT THAT CASE, THE JUUL LITIGATION, THERE IS A LARGE
09:41AM 22 LEADERSHIP TEAM.

09:41AM 23 EACH COMMITTEE THAT I WORK ON HAS NOT JUST A CHAIR BUT A
09:41AM 24 CO-CHAIR AND ALSO HAS A CO-LEAD OVERSEEING THAT COMMITTEE, SO
09:41AM 25 IT DOES ALLOW FOR OTHER ATTORNEYS TO WORK ON OTHER PROJECTS AND

09:41AM 1 HAVE THE TIME TO, IN CAPACITY, TO REALLY SHARE THE WORKLOAD
 09:41AM 2 BECAUSE OVER THE COURSE OF A LITIGATION THAT COULD TAKE THREE,
 09:41AM 3 FOUR, FIVE, YEARS. THERE'S GOING TO BE TIMES WHERE CERTAIN
 09:42AM 4 ATTORNEYS HAVE DIFFERENT CAPABILITIES AND AN ABILITY TO DEVOTE
 09:42AM 5 TO THAT CASE CERTAINLY NOT GOING TO --

09:42AM 6 THE COURT: AND WHAT IS THE PROCEDURAL STATUS OF
 09:42AM 7 JUUL?

09:42AM 8 MR. VANZANDT: THE PROCEDURAL STATUS?

09:42AM 9 SO AT THIS POINT WE ARE ON THE VERGE OF OUR FIRST
 09:42AM 10 BELLWETHER TRIAL.

09:42AM 11 THE COURT: AND AREN'T YOU CO-CHAIR OF THAT
 09:42AM 12 COMMITTEE?

09:42AM 13 MR. VANZANDT: I'M CO-CHAIR OF THE PERSONAL INJURY
 09:42AM 14 BELLWETHER COMMITTEE.

09:42AM 15 THE COURT: WELL, IT SEEMS LIKE EVEN THOUGH IT'S IN
 09:42AM 16 AN ADVANCED STAGE, IT'S JUST GETTING TO THE POINT WHERE WHAT
 09:42AM 17 YOU'RE DOING IS THE MOST IMPORTANT THING.

09:42AM 18 MR. VANZANDT: MOST OF THE -- I'D SAY THE MOST
 09:42AM 19 IMPORTANT WORK I'VE DONE HAS BEEN IN THE LAST YEAR AND A HALF
 09:42AM 20 AND ACTUALLY WORKING UP BELLWETHER CASES, SELECTING THE
 09:42AM 21 BELLWETHER CASES AND WORKING THROUGH MOTIONS TO DISMISS AND
 09:42AM 22 SUMMARY JUDGMENT. I CERTAINLY DO INTEND TO BE ONE OF THE
 09:42AM 23 COCOUNSEL TRYING THE FIRST BELLWETHER CASE THAT IS CURRENTLY
 09:42AM 24 SCHEDULED FOR JANUARY, BUT THERE'S A WHOLE SERIES OF BELLWETHER
 09:42AM 25 CASES THAT WILL HAPPENING IN THAT LITIGATION AND THEY'RE ALL

09:42AM 1 NOT MY CLIENTS. I'M NOT ON THE TRIAL TEAM FOR ALL OF THOSE
09:42AM 2 CASES.

09:42AM 3 AGAIN IT'S A VERY LARGE TEAM TO WHERE THE WORK IS DIVIDED
09:43AM 4 OUT EVENLY, AND SO THERE IS CERTAINLY ROOM TO TAKE ON OTHER
09:43AM 5 PROJECTS.

09:43AM 6 I'M CERTAINLY COMMITTED TO JUDGE ORRICK AND THE JUUL MDL,
09:43AM 7 AND I CERTAINLY DON'T INTEND TO ABANDON THAT, BUT I CERTAINLY,
09:43AM 8 IF GIVEN THE OPPORTUNITY, I WILL DO WHATEVER IT TAKES TO GIVE
09:43AM 9 THE PROFESSIONAL TIME NEEDED TO GIVE THIS MDL THE FULL
09:43AM 10 ATTENTION THAT IS NEEDED.

09:43AM 11 THE COURT: OKAY. STEP OVER AND SIGN THAT LITTLE
09:43AM 12 SHEET OR FILL OUT THAT LITTLE SHEET, I SHOULD SAY.

09:43AM 13 I THOUGHT THERE WERE A COUPLE OF OTHERS WHO IN THEIR
09:43AM 14 APPLICATIONS SUGGESTED THAT THEY MIGHT BE INTERESTED IN A
09:43AM 15 CO-LEAD.

09:43AM 16 DIANDRA DEBROSSE ZIMMERMANN, WOULD YOU COME FORWARD.

09:43AM 17 MS. DEBROSSE ZIMMERMANN: YES, YOUR HONOR.

09:43AM 18 THE COURT: AND YOU CAN ANSWER MY QUESTIONS BUT ALSO
09:43AM 19 LET ME KNOW WHAT YOUR STATUS IS GIVEN THAT I THOUGHT YOU ASKED
09:43AM 20 FOR CO-LEAD AND THEN LATER YOU HAD A CONVERSATION WITH SOMEONE
09:44AM 21 AND NOW YOU ARE NOT ASKING FOR CO-LEAD.

09:44AM 22 MS. DEBROSSE ZIMMERMANN: YES, YOUR HONOR. THANK
09:44AM 23 YOU FOR ALLOWING ME TO SPEAK TODAY. IT'S AN HONOR TO BE IN
09:44AM 24 YOUR COURT.

09:44AM 25 I DID SEEK A CO-LEAD POSITION INITIALLY, AND I KNOW YOU

09:44AM 1 HAVE MY NAME FOR THE RECORD, DIANDRA DEBROSSE ZIMMERMANN, BUT
 09:44AM 2 IF I DON'T SAY DICELLO, LEVITT & GUTZLER, MY PARTNERS ARE UPSET
 09:44AM 3 SO I MAKE SURE I SAY MY FIRM NAME ON THE RECORD.

09:44AM 4 I DID SEEK THE CO-LEAD POSITION BECAUSE OF OUR FIRM'S
 09:44AM 5 SPECIALTY IN A LOT OF THESE DIFFERENT AREAS. WE HAVE WORKED
 09:44AM 6 WITH MANY OF THE FIRMS IN LEADERSHIP. WE KNOW MANY OF THEM
 09:44AM 7 PERSONALLY. WE CONSIDER THEM TO BE EXCEPTIONAL LAWYERS WHO
 09:44AM 8 HAVE FOUGHT WARS AGAINST THIS COUNTRY'S BIGGEST DEFENDANTS, AND
 09:44AM 9 WE KNOW THEY'RE GOING TO DO A GREAT JOB, AND I DECIDED I COULD
 09:44AM 10 EQUALLY LEAD AND CONTRIBUTE WITH MY FIRM'S RESOURCES IN AN
 09:44AM 11 EXECUTIVE COMMITTEE OR STEERING COMMITTEE POSITION.

09:44AM 12 SO I DON'T ALWAYS HAVE TO BE THE BOSS. I DO LIKE BEING
 09:44AM 13 THE BOSS, BUT I DON'T ALWAYS HAVE TO BE THE BOSS AND THOUGHT I
 09:45AM 14 WOULD BE HONORED TO WORK WITH THEM IN A DIFFERENT CAPACITY.

09:45AM 15 THE COURT: YOU TOO, IT SEEMED TO ME IN ANY EVENT,
 09:45AM 16 YOU WERE CO-LEAD IN THE ABBOTT LABS.

09:45AM 17 MS. DEBROSSE ZIMMERMANN: YES, YOUR HONOR.

09:45AM 18 THE COURT: THAT'S A 2022 CASE, RIGHT? SO IT'S JUST
 09:45AM 19 STARTING.

09:45AM 20 MS. DEBROSSE ZIMMERMANN: IT IS JUST STARTING. I
 09:45AM 21 THINK I MAY HAVE AN UNORTHODOX RESPONSE FOR YOU. I CO-CHAIR
 09:45AM 22 THE MAST TORT PRACTICE AND I DO CO-LEAD IN THAT CASE THE ABBOTT
 09:45AM 23 AND GOOGLE LITIGATION. I'M ALSO ON THE PEC OF THE PARAQUAT
 09:45AM 24 MDL, BUT I DON'T LEAD THOSE CASES.

09:45AM 25 THE COURT: PARAQUAT IS SPELLED P-A-R-A-Q-U-A-T, AND

09:45AM 1 SHEN SHE SAYS PEC WHICH IS SHORT FOR PLAINTIFFS' EXECUTIVE
09:45AM 2 COMMITTEE.

09:45AM 3 MADAM COURT REPORTER: THANK YOU.

09:46AM 4 MS. DEBROSSE ZIMMERMANN: YOUR HONOR, I DON'T DO IT
09:46AM 5 IN A VACUUM. I DO TOUCH ON A LOT OF THINGS AND WORK ON A LOT
09:46AM 6 OF THINGS. I HAVE A LOT OF AMAZING PARTNERS, SENIOR COUNSEL,
09:46AM 7 SUPPORT STAFF, AND I WILL MAKE MYSELF AVAILABLE TO BE VERY
09:46AM 8 PRESENT. FOR THOSE WHO HAVE WORKED WITH ME, THEY KNOW I AM
09:46AM 9 EDITING AND DRAFTING AND WESTLAW AND DEFENDING DEPOSITIONS AND
09:46AM 10 TAKING DEPOSITIONS, AND I'M NOT JUST A FIGUREHEAD.

09:46AM 11 I MAKE MYSELF AVAILABLE, AND I HAVE DONE SO WHILE TOTING
09:46AM 12 TWO VERY DIFFICULT CHILDREN. SO I CAN GET IT DONE BECAUSE I'VE
09:46AM 13 GOTTEN IT DONE, ALTHOUGH I HOLD OTHER LEADERSHIP POSITIONS.

09:46AM 14 THE COURT: AND CAN YOU TELL ME ABOUT SHADES OF
09:46AM 15 MASS?

09:46AM 16 MS. DEBROSSE ZIMMERMAN: YES, YOUR HONOR.

09:46AM 17 I FOUNDED SHADES OF MASS ALONGSIDE BEN CROMPTON AND A
09:46AM 18 NUMBER OF OTHER FIRMS. I'VE BEEN IN THIS RODEO, I WON'T SAY
09:46AM 19 THE YEARS, BUT RIGHT COMING IN AND FOUND IT CHALLENGING ON SOME
09:46AM 20 LEVELS TO BE AT THE TABLE AND WHITTLED MY WAY INTO THESE
09:46AM 21 POSITIONS THROUGH A SMALLER FIRM, THEN THROUGH MY OWN LAW FIRM,
09:47AM 22 THEN AT GRANT & EISENHOFER, AND ULTIMATELY WITH THE GOOD FOLKS
09:47AM 23 AT DICELLO, LEVITT AND FELT AS A WOMAN OF COLOR, AS A CHILD OF
09:47AM 24 IMMIGRANTS I WAS PRACTICING LAW FOR A VERY PERSONAL REASON AND
09:47AM 25 CONTRIBUTED SOMETHING A LITTLE BIT DIFFERENT TO THE MANNER IN

09:47AM 1 WHICH CERTAIN TYPES OF MASS CASES HAD BEEN HANDLED, AND I FELT
 09:47AM 2 THAT FOLKS WITH THE DIFFERING LIFE EXPERIENCES, THAT WE BROUGHT
 09:47AM 3 SOMETHING VERY UNIQUE TO THE TABLE.

09:47AM 4 SO I WANTED TO MAKE THE PATH A LITTLE SIMPLER AND LESS
 09:47AM 5 HOSTILE FOR THOSE BEHIND ME, EVEN AGAINST DEFENSE COUNSEL AS
 09:47AM 6 WELL, AND I'VE HAD A LOT OF GREAT FIRMS, INCLUDING BEASLEY
 09:47AM 7 ALLEN AND OTHERS HERE TODAY WHO ARE ON THAT BOARD. AND IT'S
 09:47AM 8 BEEN A REAL PLEASURE TO SEE THE WAY THAT THE LEGAL PROFESSION
 09:47AM 9 HAS RECEIVED IT AND IN SOME SUCCESS SHADES OF MASS HAS ALREADY
 09:47AM 10 HAD IN ENCOURAGING NONTRADITIONAL LAWYERS IN THIS SPACE TO GET
 09:48AM 11 INVOLVED.

09:48AM 12 THE COURT: WHERE DID THE NAME COME FROM?

09:48AM 13 MS. DEBROSSE ZIMMERMAN: MY ITALIAN AMERICAN LAW
 09:48AM 14 PARTNER, MARK DICELLO, WE CREATED IT AND WE WERE TRYING TO GO
 09:48AM 15 THROUGH NAMES AND HE SAID WHAT ABOUT SHADES OF MASS. I WOULD
 09:48AM 16 LOVE TO TAKE CREDIT FOR IT, BUT IT WAS HIS IDEA.

09:48AM 17 THE COURT: OKAY. ANYTHING ELSE YOU WOULD LIKE ME
 09:48AM 18 TO THINK ABOUT?

09:48AM 19 MS. DEBROSSE ZIMMERMAN: I WOULD JUST WEIGH IN ON
 09:48AM 20 THE SIZE OF THE LEADERSHIP STRUCTURE.

09:48AM 21 EVEN TO THE EXTENT THAT YOUR HONOR RIGHTFULLY SAYS, LOOK,
 09:48AM 22 WE MAY ADDRESS THESE DISPOSITIVE ISSUES EARLY ON, EVEN THE
 09:48AM 23 RESPONSE TO MOTIONS TO DISMISS, WHICH I KNOW YOUR HONOR KNOWS
 09:48AM 24 BETTER THAN I DO, IS AN EXTRAORDINARY TASK. THERE ARE SO MANY
 09:48AM 25 DEFENDANTS HERE.

09:48AM 1 THESE ISSUES ARE AMONGST THE MOST SIGNIFICANT IN OUR
 09:48AM 2 COUNTRY FOR THOSE US OF WHO HAVE CHILDREN FOR SURE, AND I THINK
 09:48AM 3 AS THE PLAINTIFFS CARRYING THE BURDEN, WHICH IS A HEAVY BURDEN,
 09:49AM 4 WE SHOULD BE AVAILED OF A LEADERSHIP STRUCTURE THAT BRINGS THE
 09:49AM 5 BEST TO THE TABLE WITH ALL OF THEIR RESOURCES TO BE ABLE TO
 09:49AM 6 FIGHT IN THE EARLY HOURS OF THE LITIGATION, AND THOSE ARE MY
 09:49AM 7 THOUGHTS.

09:49AM 8 I THANK YOU, YOUR HONOR, VERY MUCH FOR ALLOWING ME THE
 09:49AM 9 OPPORTUNITY TO SAY A FEW WORDS.

09:49AM 10 THE COURT: THANK YOU.

09:49AM 11 MS. ZIMMERMAN: THANK YOU.

09:49AM 12 THE COURT: AGAIN, ANYONE WHO COMES TO THE MIC HAS
 09:49AM 13 TO COME TO THIS MIC AND RECEIVE THAT SHEET FROM MR. GARCIA.

09:49AM 14 NEXT, JAYNE CONROY.

09:49AM 15 MS. CONROY: GOOD MORNING, YOUR HONOR.

09:49AM 16 JAYNE CONROY FROM SIMMONS, HANLY & CONROY.

09:49AM 17 THE COURT: MS. CONROY, SO I HAD YOU IN THIS BLOCK
 09:49AM 18 IN PART BECAUSE I MAY HAVE MISREAD YOUR APPLICATION.

09:50AM 19 SO IF YOU JUST WANT TO BE A MEMBER OF THE STEERING
 09:50AM 20 COMMITTEE AND YOU'RE NOT INTERESTED IN BEING CO-LEAD, BUT LET
 09:50AM 21 ME KNOW. BUT WHY DON'T YOU GO AHEAD AND ANSWER MY QUESTIONS.

09:50AM 22 MS. CONROY: I'M SURE YOU DIDN'T MISREAD ANYTHING.
 09:50AM 23 I'M SURE IT WAS SOME INAPPROPRIATE WAY THAT I PHRASED
 09:50AM 24 SOMETHING, BUT I AM ONLY LOOKING FOR -- I SHOULDN'T SAY "ONLY"
 09:50AM 25 -- I AM LOOKING FOR A PSC SEAT, NOT A CO-LEAD SEAT.

09:50AM 1 THE COURT: OKAY. AND DO YOU HAVE THE TIME? IT
09:50AM 2 SEEMS TO ME THAT YOU'RE ONE OF THE THREE CO-LEADS IN THE OPIOID
09:50AM 3 CASE, RIGHT?

09:50AM 4 MS. CONROY: THAT'S CORRECT, YOUR HONOR.

09:50AM 5 THE COURT: SO TALK TO ME ABOUT YOUR ABILITY TO
09:50AM 6 ACTUALLY ENGAGE ON THIS ONE GIVEN YOUR OTHER COMMITMENTS.

09:50AM 7 MS. CONROY: SURE. IT'S SOMEWHAT GOOD NEWS FOR
09:50AM 8 MYSELF AND MANY OTHERS, AS WELL AS AT THE DEFENSE TABLE WE
09:50AM 9 ARE -- WE'VE PROGRESSED. THAT CASE IS NOW FIVE YEARS OLD, AND,
09:51AM 10 IN FACT, I WAS STARTING TRIAL ON MONDAY HERE IN -- WELL, IN
09:51AM 11 SAN FRANCISCO BEFORE JUDGE BREYER, AND THAT CASE HAS RESOLVED
09:51AM 12 AND SO --

09:51AM 13 THE COURT: WHICH OF THOSE?

09:51AM 14 MS. CONROY: THAT WAS THE DAMAGE PHASE FOR THE
09:51AM 15 OPIOID CASE AGAINST WALGREENS.

09:51AM 16 THE COURT: OKAY.

09:51AM 17 MS. CONROY: SO WE'VE MADE TREMENDOUS PROGRESS IN
09:51AM 18 THAT MDL. SO JUDGE POLSTER IN CLEVELAND IS SITTING IN A VERY
09:51AM 19 DIFFERENT PLACE THAN WHERE YOU'RE SITTING RIGHT NOW.

09:51AM 20 THE COURT: YOU HAVE SIGNIFICANT EXPERIENCE IN
09:51AM 21 MDL'S.

09:51AM 22 AS I TALKED TO MY COLLEAGUES ABOUT THIS CASE, WE ALL SEEM
09:51AM 23 TO THINK THAT IT'S -- THAT THE SLATE OR NON-SLATE THAT WAS
09:51AM 24 SUGGESTED SEEMS TO BE QUITE HEAVY.

09:51AM 25 WHAT ARE YOUR THOUGHTS ON KIND OF THE OPTIMAL SIZE OF A

09:51AM 1
09:52AM 2
09:52AM 3
09:52AM 4
09:52AM 5
09:52AM 6
09:52AM 7
09:52AM 8
09:52AM 9
09:52AM 10
09:52AM 11
09:52AM 12
09:52AM 13
09:52AM 14
09:52AM 15
09:52AM 16
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09:53AM 18
09:53AM 19
09:53AM 20
09:53AM 21
09:53AM 22
09:53AM 23
09:53AM 24
09:53AM 25

LEADERSHIP STRUCTURE?

MS. CONROY: THANK YOU FOR ASKING THAT BECAUSE I
HAVE VERY STRONG OPINIONS ON IT.

PRIMARILY BECAUSE I'VE BEEN ON SO MANY MDL'S AND I'VE
WATCHED THESE PROGRESS OVER THE YEARS, AND OPIOIDS WAS AN
ENORMOUS WAKE-UP CALL I THINK FOR PLAINTIFFS' FIRMS THAT ARE
INVOLVED IN MDL'S, IN PARTICULAR WHEN THERE ARE SEVERAL
DEFENDANTS THAT ARE ACTIVE IN THE LITIGATION.

I, MYSELF, WAS A PROPONENT OF SMALLER MDL'S -- I'M SORRY,
SMALLER EXECUTIVE COMMITTEES. I FELT THAT THEY WERE MORE
NIMBLE EARLY ON, AND I HAVE COME TO LEARN THAT WITH ELECTRONIC
DISCOVERY, THE ENORMOUS EXPENSE OF THESE CASES AND THE
TREMENDOUS EFFORT THAT IT TAKES ALL OF THE COUNSEL AND THEIR
LAW FIRMS, YOU JUST NEED A BIGGER GROUP TO MAKE THIS WORK.

THESE ARE NATIONAL LITIGATIONS. YOU NEED GEOGRAPHIC
SCOPE. YOU NEED INDIVIDUALS THAT ARE SPECIALIZED IN SO MANY
DIFFERENT AREAS, AND YOU HAVE TO TAKE INTO CONSIDERATION THAT A
LITIGATION IS GOING TO LAST, IF YOU GET THROUGH THE HURDLES,
FOR FIVE TO SIX YEARS. THAT IS NOT UNCOMMON.

AND SO YOU NEED TO BE ABLE TO HAVE FIRMS THAT ARE RELIABLE
AND THAT ARE GOING TO BE AROUND AND LAWYERS THAT ARE -- YOU'RE
GOING TO GROW WITH AS THE CASE GROWS.

EVEN WITH RESPECT TO YOUR CONCEPT OF STARTING SMALL AND
THEN GETTING BIGGER, YOU'RE ASKING US TO FACE WHAT COULD BE OUR
GREATEST HURDLE IN THE NEXT FEW MONTHS. AND, FRANKLY, WE'RE

09:53AM 1 GOING TO NEED ALL OF THE BRAINS IN THE ROOM TO DEAL WITH THAT.

09:53AM 2 THE COURT: LOOK, DO YOU NEED 20 BRAINS IN THE ROOM
09:53AM 3 OR DO YOU NEED JUST THE BEST 6? OR NOT EVEN 20, MAYBE IT'S 40.
09:53AM 4 WRITING BY COMMITTEE IS NOT FUN, THAT'S WHY I LIKE THIS JOB.

09:54AM 5 (LAUGHTER.)

09:54AM 6 MS. CONROY: YOU KNOW, I HAVE FOUND -- AND THIS IS
09:54AM 7 SOMETHING, AGAIN, THAT I HAVE LEARNED OVER THE YEARS IS THAT WE
09:54AM 8 MUST WRITE BY COMMITTEE, WE MUST DO THAT. AND WE MUST VET
09:54AM 9 EVERYTHING WE WRITE BASED ON THE FACTS THAT ARE COMING AT US
09:54AM 10 FROM DIFFERENT PERSPECTIVES WITH DIFFERENT CLIENTS, DIFFERENT
09:54AM 11 LAWYERS THAT ARE REPRESENTING DIFFERENT ASPECTS, PEOPLE WHO
09:54AM 12 KNOW SOMETHING MORE.

09:54AM 13 YOU KNOW, BRIEFING IS LOADED WITH POSITIONS THAT WE ARE
09:54AM 14 GOING TO TAKE NOW THAT WE'RE GOING TO HAVE TO LIVE WITH FIVE
09:54AM 15 YEARS FROM NOW. THAT'S WHY WE NEED ALL OF THE BRAINS, BECAUSE
09:54AM 16 WE CAN'T MAKE A MISSTEP. WE CAN'T EVER MAKE A MISSTEP.

09:54AM 17 THE COURT: AND DO YOU FIND -- I MEAN, I'M SURE THAT
09:54AM 18 THE OPIOIDS HAD MOTIONS TO DISMISS, RIGHT?

09:54AM 19 MS. CONROY: WE DID, YES.

09:54AM 20 (LAUGHTER.)

09:54AM 21 THE COURT: AND HOW MANY WERE ON THAT COMMITTEE?
09:55AM 22 WHAT WAS THE NUMBER?

09:55AM 23 MS. CONROY: WE HAD -- IN A LAW AND BRIEFING
09:55AM 24 COMMITTEE, WE HAD THREE CHAIRS OF THE LAW AND BRIEFING
09:55AM 25 COMMITTEE, AND THEY HAD ACCESS TO PROBABLY ANOTHER TEN WRITERS.

09:55AM 1 WE THEN HAD THE CO-LEADS AS WELL AS A LEAD FOR EACH ONE OF
09:55AM 2 THE INDIVIDUAL DEFENDANTS THAT VETTED EACH DRAFT OF THOSE
09:55AM 3 OPPOSITIONS TO THE MOTION TO DISMISS.

09:55AM 4 THIS WAS, THIS WAS A MAJOR WARTIME OPERATION, AND I KNOW
09:55AM 5 IT SOUNDS CRAZY.

09:55AM 6 THE COURT: SO LET'S SAY THAT YOU HAD THE LAW AND
09:55AM 7 BRIEFING COMMITTEE, YOU HAD A SCIENCE COMMITTEE, AND YOU HAD
09:55AM 8 ALL OF THESE OTHER COMMITTEES, AND SO YOU HAVE 20, 30 PEOPLE
09:55AM 9 WHO ARE ON THESE COMMITTEES.

09:55AM 10 DO YOU REALLY GET SUBSTANTIVE RESPONSES FROM ALL 20 OR 30?
09:55AM 11 AND IS THE CLASS, THE ULTIMATE CLASS REALLY PAYING FOR ALL OF
09:55AM 12 THESE 20 OR 30 TO READ THE BRIEFS?

09:56AM 13 MS. CONROY: NOPE. YOU DON'T GET A REACTION FROM
09:56AM 14 EVERYONE. YOU DON'T GET EVERYONE TO READ.

09:56AM 15 BUT I DON'T KNOW WHO THOSE PEOPLE ARE YET, AND I DON'T
09:56AM 16 KNOW WHAT IS HAPPENING IN THEIR LIVES, WHETHER THEY'RE
09:56AM 17 AVAILABLE. THAT'S WHY WE NEED LARGER COMMITTEES.

09:56AM 18 OBVIOUSLY TIME IS AUDITED. EVERY MONTH WE HAVE PEOPLE
09:56AM 19 THAT OVERSEE EXACTLY WHO IS BILLING FOR WHAT. ALL OF THOSE ARE
09:56AM 20 PART OF THE MANAGEMENT STRUCTURE.

09:56AM 21 THE COURT: AND SO IF SOMEONE IS NOT REALLY
09:56AM 22 CONTRIBUTING BUT PUTTING IN THE TIME, THAT'S OKAY?

09:56AM 23 MS. CONROY: NO. THEIR TIME WILL NOT BE ACCEPTED.

09:56AM 24 THE COURT: OKAY.

09:56AM 25 MS. CONROY: WE ALSO -- AND ONE OTHER THING WE HAVE

09:56AM 1 DONE, AND YOU'VE PROBABLY DONE THIS ALREADY, A YEARLY REVIEW OF
09:56AM 2 WHO IS ON EACH COMMITTEE BASED ON THE KIND OF WORK THAT THEY
09:56AM 3 HAVE DONE.

09:56AM 4 THE COURT: WELL, IN THE BATTERIES CASE I RECEIVED
09:57AM 5 QUARTERLY REPORTS, SO I DIDN'T GET ANNUAL, BUT THAT WAS A
09:57AM 6 LITTLE BIT DIFFERENT.

09:57AM 7 MS. CONROY: JUDGE POLSTER DIDN'T DO THAT IN
09:57AM 8 OPIOIDS, BUT THE CO-LEADS WE RECEIVED MONTHLY REPORTS ON
09:57AM 9 ACTIVITY.

09:57AM 10 THE COURT: OKAY. OTHER THOUGHTS, MS. CONROY?

09:57AM 11 MS. CONROY: I THINK --

09:57AM 12 THE COURT: AND DOES YOUR FIRM USE LITIGATION
09:57AM 13 FUNDING?

09:57AM 14 MS. CONROY: WE DO NOT.

09:57AM 15 THE COURT: GO FUNDERS? OKAY. ALL RIGHT. THANK
09:57AM 16 YOU.

09:57AM 17 MS. CONROY: THANK YOU.

09:57AM 18 THE COURT: MS. ANDERSON. MS. ANDERSON, YOU ARE
09:57AM 19 HEREBY APPOINTED LIAISON COUNSEL. ONE, NO ONE ELSE WANTED THE
09:57AM 20 JOB.

09:57AM 21 (LAUGHTER.)

09:57AM 22 THE COURT: TWO, YOU AND I HAVE WORKED TOGETHER ON
09:58AM 23 BATTERIES, AND YOU'RE LOCAL, WHICH IS NICE TO BE ON THE SAME
09:58AM 24 TIME ZONE.

09:58AM 25 SO YOU HAVE THE JOB.

09:58AM 1 MS. ANDERSON: THANK YOU, YOUR HONOR.

09:58AM 2 THE COURT: AS SOON AS WE FINISH HERE, YOU CAN HELP
09:58AM 3 ME DEAL WITH ALL OF THE STUFF THAT IS GOING TO HAPPEN AFTER
09:58AM 4 TODAY.

09:58AM 5 MS. ANDERSON: IT WILL BE A PLEASURE.

09:58AM 6 THE COURT: ANYTHING THAT YOU WANT TO SAY FOR THE
09:58AM 7 RECORD?

09:58AM 8 MS. ANDERSON: NOT UNLESS YOUR HONOR HAS PARTICULAR
09:58AM 9 QUESTIONS. I CONCUR WITH PRETTY MUCH EVERYTHING THAT MY
09:58AM 10 COLLEAGUES HAVE SAID TODAY.

09:58AM 11 THE COURT: I WOULD LIKE YOU TO FILL OUT THIS LITTLE
09:58AM 12 FORM HERE.

09:58AM 13 MS. ANDERSON: OKAY.

09:58AM 14 THE COURT: LET'S SEE. HAVE I GOTTEN EVERYBODY?
09:58AM 15 YES, I'VE GOTTEN EVERYBODY AT THAT TABLE.

09:58AM 16 ALL RIGHT. SO LET'S GO AHEAD, AND WE'LL START WITH THIS
09:58AM 17 GROUP HERE ON THE BENCH.

09:58AM 18 MY, MY -- I THINK THAT THESE ARE ALL FOLKS WHO WANT TO BE
09:58AM 19 ON THE STEERING COMMITTEE. OKAY.

09:58AM 20 I DON'T KNOW WHO EVERYBODY ELSE IS IN THE BACK, BUT WE'LL
09:59AM 21 FIND THAT OUT LATER, TOO.

09:59AM 22 SO WHY DON'T WE START HERE. WE WILL TAKE ONE AT A TIME.

09:59AM 23 IF YOU'LL COME TO THE MIC. WE'LL TAKE ONE AT A TIME.

09:59AM 24 COME TO THE MIC AND TELL ME WHO YOU ARE, AND RESPOND TO MY
09:59AM 25 QUESTIONS GENERALLY THAT I'VE ALREADY PREPARED. I MAY HAVE

09:59AM 1 SOME QUESTIONS BASED UPON MY REVIEW OF YOUR APPLICATION.

09:59AM 2 GO AHEAD.

09:59AM 3 MS. RIZKALLA: GOOD MORNING, YOUR HONOR.

09:59AM 4 MY NAME IS RUTH RIZKALLA. I'M WITH THE CARLSON LAW FIRM,
09:59AM 5 AND, YES, I AM APPLYING FOR A PLAINTIFFS' STEERING COMMITTEE
09:59AM 6 POSITION.

09:59AM 7 I WILL GO IN ORDER. I BELIEVE YOU HAD SIX QUESTIONS THAT
09:59AM 8 YOU WANTED US TO RESPOND TO.

09:59AM 9 THE COURT: WELL, ONE OF THE THINGS I WOULD LIKE TO
09:59AM 10 KNOW FROM YOU, BECAUSE YOU WERE NOT ON A SLATE.

09:59AM 11 MS. RIZKALLA: THAT'S CORRECT, YOUR HONOR.

09:59AM 12 THE COURT: AND SO WHY DO YOU -- DID YOU ASK TO BE
09:59AM 13 ON THE SLATE?

09:59AM 14 MS. RIZKALLA: I DID ASK TO BE ON THE SLATE.

09:59AM 15 THE COURT: ALL RIGHT. WHO DID YOU ASK?

09:59AM 16 MS. RIZKALLA: SO I HAVE BEEN ON THE CALLS, I
10:00AM 17 BELIEVE, SINCE AUGUST OF THIS YEAR, AND I EMAILED A COUPLE OF
10:00AM 18 THE FOLKS LETTING THEM KNOW THAT I WAS INTERESTED IN A PSC
10:00AM 19 SPOT.

10:00AM 20 MY UNDERSTANDING IS THAT THERE WERE SO MANY FOLKS WHO
10:00AM 21 WANTED TO BE IN LEADERSHIP, AND I THINK, LIKE YOUR HONOR SAID
10:00AM 22 EARLIER, THAT THIS SLATE WAS ALREADY SO BIG, WHICH IS
10:00AM 23 COMPLETELY FINE WITH ME.

10:00AM 24 I LOOKED AT THE SLATE. THESE ARE VERY HIGHLY RESPECTED
10:00AM 25 EXPERIENCED LAWYERS ON THE SLATE. I DON'T FEEL SLIGHTED IN THE

10:00AM 1 LEAST. I AM USED TO NOT BEING INVITED TO EVERY PARTY THAT I'D
 10:00AM 2 LIKE TO GO TO, AND I THINK THAT'S JUST ONE OF THESE SITUATIONS.

10:00AM 3 THE COURT: OKAY. GO AHEAD AND TELL ME WHY YOU
 10:00AM 4 SHOULD BE ADDED TO THE SLATE.

10:01AM 5 MS. RIZKALLA: YOUR HONOR, I THINK I SHOULD BE ADDED
 10:01AM 6 TO THE SLATE FOR THREE REASONS, THREE MAIN REASONS:

10:01AM 7 THE FIRST BEING THAT I HAVE THE RELEVANT EXPERIENCE. I'VE
 10:01AM 8 BEEN PRACTICING LAW NOW FOR ALMOST TWO DECADES, THE LAST DECADE
 10:01AM 9 OF WHICH HAS BEEN PRIMARILY PRODUCTS LIABILITY LITIGATION. AND
 10:01AM 10 DESPITE THE FACT THAT DEFENDANTS ARE SAYING THIS IS NOT A
 10:01AM 11 PRODUCT CASE, IT IS. I THINK IF I CAN SHOW YOUR HONOR THIS
 10:01AM 12 THROUGH THIS LITIGATION, I WOULD LOVE TO DO THAT.

10:01AM 13 I HAVE BEEN JUDGE APPOINTED TO THREE MDL'S IN THE PAST,
 10:01AM 14 ALL PRODUCTS LIABILITY MDL'S AND FOUR JCCP'S. SO I THINK THIS
 10:01AM 15 IS IN MY WHEELHOUSE AS FAR AS EXPERIENCE GOES.

10:01AM 16 ADDITIONALLY, THIS IS A LITIGATION THAT I CARE ABOUT. I
 10:01AM 17 KNOW OTHER COUNSEL HAVE BROUGHT UP THE FACT THAT THEY HAVE
 10:01AM 18 CHILDREN WHO ARE TEENAGERS. I HAVE THREE KIDS, AND THEY ARE
 10:01AM 19 11, 14, AND 16. SO THE STRUGGLE WITH SOCIAL MEDIA, THE DANGERS
 10:02AM 20 THAT LURK WITHIN SOCIAL MEDIA USE IS VERY, VERY REAL FOR ME.

10:02AM 21 SO THE OPPORTUNITY TO WORK IN THIS LITIGATION THAT IS
 10:02AM 22 ABSOLUTELY CUTTING EDGE AND I THINK WILL BE LIFE CHANGING NOT
 10:02AM 23 JUST FOR THE PLAINTIFFS INVOLVED, BUT I THINK THERE ARE
 10:02AM 24 RAMIFICATIONS THAT COME FOLLOWING THIS, TOO, AS FAR AS
 10:02AM 25 REGULATING SOCIAL MEDIA PLATFORMS AND THE PEOPLE WHO HAVE

10:02AM 1
10:02AM 2
10:02AM 3
10:02AM 4
10:02AM 5
10:02AM 6
10:02AM 7
10:03AM 8
10:03AM 9
10:03AM 10
10:03AM 11
10:03AM 12
10:03AM 13
10:03AM 14
10:03AM 15
10:03AM 16
10:03AM 17
10:03AM 18
10:03AM 19
10:03AM 20
10:03AM 21
10:03AM 22
10:03AM 23
10:03AM 24
10:03AM 25

BECOME VICTIMS.

THIRDLY, I THINK THAT I ALSO BRING A DIFFERENT KIND OF DIVERSITY AND PERSPECTIVE. AS I NOTED IN MY APPLICATION -- AND I DON'T WANT TO REPEAT THE EXACT SAME THINGS, BUT, YOU KNOW, I AM SOMEONE WHO COMES FROM AN IMMIGRANT FAMILY, WHO HAS OVERCOME ADVERSITY, HARDSHIP, AND I DON'T GIVE UP. AND I DON'T GIVE UP. I AM HERE TODAY BECAUSE I DON'T GIVE UP. I AM HERE TODAY BECAUSE I HAVEN'T GIVEN UP. I WANT TO BE IN FRONT OF YOUR HONOR AND SAY I AM THE PERSON TO DO THIS AND IF YOU APPOINT ME, I WILL NOT LET YOU DOWN, AND I WILL NOT LET THE PLAINTIFFS DOWN.

THE COURT: THE CASES WHERE YOU HAVE ALREADY BEEN APPOINTED, DO YOU HAVE TIME FOR THIS CASE?

MS. RIZKALLA: I ABSOLUTELY DO. RIGHT NOW I HAVE A PSC POSITION IN THE 3M COMBAT ARMS EARPLUGS CASE. THAT ESSENTIALLY HAS GONE THROUGH THE BELLWETHER TRIAL PHASE AND NOW WE'RE IN WAVE CASES, WHICH ESSENTIALLY MEANS CASES WILL GET REMANDED TO THE FIRMS THAT INITIALLY FILED THEM, AND SO THOSE FIRMS WILL BE TRYING THEIR OWN CASES.

I AM ALSO IN TWO OTHER MDL PSC POSITIONS, AND I'VE BEEN ABLE TO MANAGE. I'VE ALWAYS MANAGED. THAT'S KIND OF WHAT I DO.

THE COURT: YOU'RE A SOLO PRACTITIONER?

MS. RIZKALLA: NO. I AM 1 OF APPROXIMATELY 40-SOMETHING LAWYERS.

10:04AM 1 AND AS FAR AS THE LITIGATION FINANCE QUESTION GOES, MY
10:04AM 2 FIRM IS NOT, IS NOT -- WE DON'T EVEN HAVE DEBT VERY HONESTLY,
10:04AM 3 SO NO LITIGATION FINANCING, NO DEBT WHATSOEVER.

10:04AM 4 THE COURT: AND WHICH ARE THE OTHER CASES THAT ARE
10:04AM 5 STILL ONGOING?

10:04AM 6 MS. RIZKALLA: SO I'M ALSO PART OF THE PARAGUARD
10:04AM 7 MDL, AND THAT'S JUST BEGUN. SO WE ARE IN DISCOVERY AND, YOU
10:04AM 8 KNOW, I AM PART OF THE TEAM. I'VE GOT -- OH, GOSH. HOW MANY
10:04AM 9 DO I HAVE? I HAVE ASSOCIATES, I HAVE STAFF, AND I'VE BEEN ON
10:04AM 10 TOP OF THAT. AND THEN -- I'M SORRY.

10:04AM 11 THE COURT: AND THEN THE THIRD?

10:04AM 12 MS. RIZKALLA: THE THIRD ONE IS THE ELMIRON
10:04AM 13 LITIGATION, AND SO THAT IS HEADING INTO BELLWETHER TRIALS. I
10:04AM 14 WILL BE A PART OF THAT TEAM, BUT I AM NOT THE HEAD TRIAL
10:04AM 15 ATTORNEY.

10:04AM 16 THE COURT: OKAY. IN TERMS OF ASSIGNMENTS, WHAT WAS
10:04AM 17 YOUR ASSIGNMENTS IN EARPLUGS? WERE YOU ASSIGNED TO A
10:05AM 18 SUBCOMMITTEE OR A COMMITTEE?

10:05AM 19 MS. RIZKALLA: SURE. I WAS GENERAL. I DIDN'T HAVE
10:05AM 20 A SUBCOMMITTEE THAT I WAS ASSIGNED TO, SO I DID A LITTLE BIT OF
10:05AM 21 EVERYTHING, AND I WAS ABLE TO PARTICIPATE IN THE FIRST
10:05AM 22 BELLWETHER TRIAL THAT TOOK PLACE.

10:05AM 23 THE COURT: OKAY. AND WHAT ABOUT ELMIRON?

10:05AM 24 MS. RIZKALLA: I'M NOT ON ANY ASSIGNED
10:05AM 25 SUBCOMMITTEES. SO KIND OF THE SAME THING, I'M GENERAL. AND

10:05AM 1 WHEN I'M NEEDED OR IF I WANT TO VOLUNTEER FOR SOMETHING THAT IS
10:05AM 2 UPCOMING IN THE LITIGATION, I CAN DO THAT.

10:05AM 3 THE COURT: OKAY. IF YOU COULD PICK A COMMITTEE
10:05AM 4 THAT YOU WOULD LIKE TO SERVE ON IN THIS CASE, WHAT WOULD IT BE?

10:05AM 5 MS. RIZKALLA: I THINK IT WOULD HAVE TO BE PROBABLY
10:05AM 6 THE MASTER COMPLAINT AND ALSO KIND OF NARROWING DOWN WHAT OUR
10:05AM 7 REAL CAUSES OF ACTION ARE.

10:05AM 8 THE COURT: GREAT. THANKS.

10:05AM 9 MS. RIZKALLA: THANK YOU, YOUR HONOR.

10:05AM 10 THE COURT: NEXT.

10:06AM 11 MR. GOZA: GOOD MORNING, YOUR HONOR.

10:06AM 12 THE COURT: GOOD MORNING.

10:06AM 13 MR. GOZA: MY NAME IS KIRK GOZA. I'M WITH THE LAW
10:06AM 14 FIRM OF GOZA HONNOLD, AND I'VE APPLIED FOR A PSC POSITION IN
10:06AM 15 THIS CASE.

10:06AM 16 I'M HAPPY TO ADDRESS THE QUESTIONS THAT YOUR HONOR HAS.
10:06AM 17 FIRST, I GUESS, STARTING WITH LEADERSHIP STRUCTURE. I KNOW THE
10:06AM 18 COURT HAS SOME CONCERNS ABOUT THE SIZE OF LEADERSHIP. AND I
10:06AM 19 WOULD SAY THIS, YOU KNOW, I THINK THAT WHAT ALL OF THESE
10:06AM 20 LITIGATIONS NEED IS PEOPLE WITH VARYING EXPERIENCE AND
10:06AM 21 EXPERTISE. THE COURT IS ALWAYS LOOKING TO PROVIDE NEW PEOPLE
10:06AM 22 OPPORTUNITIES TO GET INVOLVED IN MDL, AND, OF COURSE,
10:06AM 23 DIVERSIFICATION IS IMPORTANT AS WELL.

10:06AM 24 AND I THINK THAT IN THESE KINDS OF CASES IT IS MUCH BETTER
10:06AM 25 TO ERR ON THE SIDE AND LESS HARM MAKING THE PSC BIGGER THAN ONE

1 MIGHT ABSOLUTELY NEED IN ORDER TO ACCOMMODATE SOME OF THOSE
2 THINGS. SO I THINK THOSE ARE ALL WORTHWHILE GOALS TO CONSIDER
3 AS THE COURT EVALUATES PEOPLE COMING TO THE TABLE.

4 AND I THINK THE HARM OF MAKING IT TOO SMALL FAR OUTWEIGHS
5 THE BENEFITS THAT COME WITH OPENING UP THE PSC OPPORTUNITIES TO
6 PEOPLE AND OBVIOUSLY THEN EVERYONE HAS THEIR OWN AREA OF
7 EXPERTISE.

8 THE COURT: AND WHAT IS YOURS?

9 MR. GOZA: WHAT IS MINE? WELL, LET ME SAY FIRST
10 I -- THE REALITY IS THE LAW FIRM HAS BEEN INVOLVED IN A LOT OF
11 DIFFERENT KINDS OF MDL'S LITIGATIONS AND TAKEN A LOT OF
12 DIFFERENT ROLES. MOST OF THAT HAS BEEN THROUGH MY PARTNER,
13 BRAD HONNOLD.

14 THE COURT: SO HE'S NOT HERE. I'M ASKING ABOUT YOU.

15 MR. GOZA: RIGHT. I GUESS WHAT I WOULD SAY IS THIS,
16 I HAVE OVER THE YEARS DONE A TREMENDOUS AMOUNT OF WORK WITH
17 EXPERTS, WITH DAUBERT MOTIONS, WITH DEPOSING CORPORATE
18 REPRESENTATIVES, WITH BEING SELECTED TO BE ON VARIOUS TRIAL
19 TEAMS INCLUDING, AS PEOPLE HAVE MENTIONED, THE JUUL TRIAL TEAM
20 FOR A CASE THAT IS COMING UP.

21 SO MY ROLE HAS BEEN NARROW IN TERMS OF WHAT MY EXPERTISE
22 IS. MY POINT IN BRINGING UP THE FACT THAT I HAVEN'T BEEN
23 ASSIGNED ON PSC'S IN MANY OF THOSE INSTANCES, IS PEOPLE HAVE
24 ASKED ME TO COME AND BE INVOLVED IN CASES AND DO THAT KIND OF
25 WORK IN THAT SPECIFIC AREA, AND I'VE DONE THAT IN I HOPE A

10:08AM 1 COOPERATIVE FASHION WHERE PEOPLE KNOW I'M WILLING TO DO KIND OF
10:08AM 2 WHATEVER IT TAKES TO HELP MOVE THINGS FORWARD.

10:08AM 3 SO THAT WOULD BE MY AREA OF EXPERTISE, I GUESS.

10:08AM 4 THE COURT: HOW MUCH WORK, IF ANY, HAVE YOU DONE IN
10:08AM 5 TERMS OF SOCIAL MEDIA OR TECH RELATED TOPICS?

10:08AM 6 MR. GOZA: SO IN SOCIAL MEDIA, I GUESS I WOULD
10:08AM 7 EXPAND JUST A LITTLE WAY TO SAY IN MARKETING IN SOCIAL MEDIA I
10:08AM 8 HAVE ACTUALLY DONE A LOT OF WORK.

10:08AM 9 PEOPLE HAVE TALKED ABOUT THE JUUL CASE. I ACTUALLY WORKED
10:08AM 10 HAND IN HAND WITH OUR -- BOTH THE DEVELOPMENTAL AND CLINICAL
10:09AM 11 PSYCHOLOGIST THAT DEALT NOT ONLY WITH THE ADDICTION OF THE
10:09AM 12 DEVELOPING ADOLESCENT AND YOUNG ADULT BRAIN AND THE DIFFERENCE
10:09AM 13 BETWEEN THAT AND A MATURE BRAIN, BUT TALK ABOUT THE IMPACT OF
10:09AM 14 MARKETING, SOCIAL MEDIA AND PEER PRESSURE WITH RESPECT TO KIDS,
10:09AM 15 AND ALL OF THOSE WERE RELATED TO EXPERTS IN THE AREA OF YOUTH
10:09AM 16 PSYCHOLOGY AND ADOLESCENT PSYCHOLOGY, AND I'VE SPENT THE LAST
10:09AM 17 TWO OR THREE YEARS WORKING IN THAT AREA.

10:09AM 18 THE COURT: OKAY.

10:09AM 19 MR. GOZA: I'M HAPPY TO SAY THAT WE DON'T USE ANY
10:09AM 20 LITIGATION FUNDING, SO I DON'T THINK THAT THAT IS AN ISSUE.

10:09AM 21 IN TERMS OF MY AVAILABILITY, I DO THINK THAT, YOU KNOW, IN
10:09AM 22 TERMS OF WHAT I GENERALLY AM LOOKED AT TO BE INVOLVED IN,
10:09AM 23 THAT'S PROBABLY NOT SOMETHING THAT IS GOING TO HAPPEN
10:09AM 24 IMMEDIATELY.

10:09AM 25 WE DO HAVE TRIALS SCHEDULED IN JUUL IN THE EARLY PART OF

10:09AM 1 THIS -- OR NEXT YEAR. PRESUMABLY MY ROLE IN THOSE WILL BE
 10:10AM 2 EITHER TO TRY THEM OR NOT TRY THEM COME JANUARY OF NEXT YEAR,
 10:10AM 3 AND SO I EXPECT THAT BY THE TIME WE GET TO THAT POINT IN
 10:10AM 4 DISCOVERY AND DOING EXPERT WORK AND DOING THOSE KINDS OF THINGS
 10:10AM 5 IN THIS LITIGATION, I HOPEFULLY WILL BE IN A POSITION TO
 10:10AM 6 HOPEFULLY COMMIT FULL TIME TO DOING THAT.

10:10AM 7 THE COURT: SO IF YOU COULD CHOOSE A SUBCOMMITTEE,
 10:10AM 8 IT WOULD BE A TRIAL TEAM?

10:10AM 9 MR. GOZA: IT WOULD BE A TRIAL OR EXPERT COMMITTEE
 10:10AM 10 OR A COMBINATION OF THOSE THINGS, YES.

10:10AM 11 THE COURT: AND YOU'RE, RIGHT NOW, YOU'RE SCHEDULED
 10:10AM 12 TO GO TO TRIAL IN JUUL IN JANUARY?

10:10AM 13 MR. GOZA: THE FIRST TRIAL IS IN JANUARY AND THE
 10:10AM 14 SECOND IN APRIL, I BELIEVE.

10:10AM 15 THE COURT: THESE ARE IN FRONT OF JUDGE ORRICK?

10:10AM 16 MR. GOZA: YES, THEY ARE, MA'AM.

10:10AM 17 THE COURT: AND YOU FOUND A GOOD HOTEL TO LIVE IN?

10:10AM 18 MR. GOZA: YOU KNOW, THE ANSWER TO THAT QUESTION IS,
 10:10AM 19 NO, WE APPARENTLY HAVE NOT FOUND A GREAT HOTEL. BUT WE'VE GOT
 10:11AM 20 A HOTEL.

10:11AM 21 (LAUGHTER.)

10:11AM 22 MR. GOZA: THAT'S ALL I COULD SAY ABOUT THAT.

10:11AM 23 THE COURT: WELL, HERE IN OAKLAND I HAD ONE TRIAL
 10:11AM 24 LAWYER WHO DID TRIALS IN FRONT OF ME LIKE IN JUNE AND THEN IN
 10:11AM 25 SEPTEMBER, AND UNTIL RECENTLY THE ONLY THING WE HAD WAS THE

10:11AM 1 MARRIOTT THAT IS RIGHT HERE.

10:11AM 2 WE NOW HAVE ANOTHER ONE HERE DOWN ON BROADWAY.

10:11AM 3 MR. GOZA: I THINK THE MARRIOTT MIGHT BE ABOVE A

10:11AM 4 STEP WHERE WE'RE SAYING.

10:11AM 5 THE COURT: WELL, HE SAID HE WOULD NEVER TRY A CASE

10:11AM 6 HERE AGAIN BECAUSE HE HATED THAT. OKAY.

10:11AM 7 (LAUGHTER.)

10:11AM 8 MR. GOZA: THANK YOU, YOUR HONOR.

10:11AM 9 THE COURT: THANK YOU. NEXT.

10:11AM 10 MR. CARTMELL: GOOD MORNING, YOUR HONOR.

10:11AM 11 MY NAME IS TOM CARTMELL, AND I'M A LAWYER AT WAGSTAFF &

10:11AM 12 CARTMELL AND IN KANSAS CITY, MISSOURI.

10:11AM 13 THE COURT: HOLD ON A SECOND. LET ME JUST GET YOUR

10:11AM 14 TAB.

10:11AM 15 ALL RIGHT. GO AHEAD.

10:12AM 16 MR. CARTMELL: I'M ALSO SEEKING A POSITION ON THE

10:12AM 17 STEERING COMMITTEE. I WOULD VERY MUCH LIKE TO HAVE YOUR

10:12AM 18 PERMISSION TO BE ON THE STEERING COMMITTEE.

10:12AM 19 I THINK I CAN OFFER AND CONTRIBUTE A LOT TO THIS CASE.

10:12AM 20 SOME OF THE MORE RECENT CASES THAT I THINK ARE RELEVANT

10:12AM 21 EXPERIENCE HAVE BEEN TALKED ABOUT ARE THE OPIOIDS CASE THAT I

10:12AM 22 WORKED UNDER MS. CONROY ON THAT CASE, AND THEN MOST RECENTLY IN

10:12AM 23 THE JUUL CASE IN JUDGE ORRICK'S COURT. I THINK THEY'RE BOTH

10:12AM 24 RELEVANT BECAUSE THEY DO OBVIOUSLY DEAL WITH PUBLIC HEALTH

10:12AM 25 ISSUES, THEY DEAL WITH ADDICTION, ESPECIALLY BOTH OF THEM, AND

10:12AM 1 THAT'S A LARGE PART OF THIS CASE AND HAVE LOTS OF
10:12AM 2 CHARACTERISTICS IN THOSE CASES THAT ARE SIMILAR AND OVERLAP,
10:12AM 3 AND I'VE LEARNED A TON AND WORKED VERY HARD IN THOSE, AND I
10:12AM 4 THINK THEY WOULD APPLY TO THIS CASE AS WELL.

10:13AM 5 I DO THINK THE SOCIAL MEDIA ASPECT I HAD NOT DONE A TON IN
10:13AM 6 THAT AREA, AND I HAVE LEARNED A TON IN THE JUUL CASE ABOUT
10:13AM 7 SOCIAL MEDIA AND HAVE BEEN RESPONSIBLE FOR THE EXPERTS THAT WE
10:13AM 8 WERE PLANNING TO PUT ON AT TRIAL NOVEMBER 7TH, BUT THAT TRIAL
10:13AM 9 WAS MOVED FOR A PERIOD OF TIME.

10:13AM 10 I THINK I CAN COMMIT FULLY TO THIS CASE AND WOULD LOVE TO
10:13AM 11 COMMIT, YOU KNOW, FULLY TO THIS CASE TO THE EXTENT POSSIBLE AND
10:13AM 12 ALSO MY LAW FIRM AS WELL. I WOULD COMMIT TO YOU THAT WE WOULD
10:13AM 13 COMMIT ALL OF OUR RESOURCES TO THE EXTENT POSSIBLE.

10:13AM 14 THE COURT: SO YOU'VE GOT JUUL GOING. IN YOUR
10:13AM 15 RESUME YOU'VE LISTED 11 DIFFERENT MDL'S. ARE ALL OF THEM
10:13AM 16 CURRENT?

10:13AM 17 MR. CARTMELL: NO. THE MAJORITY OF THEM ARE OVER
10:13AM 18 AND DONE.

10:13AM 19 THE 3M CASE IN FRONT OF JUDGE CASEY RODGERS IS STILL
10:14AM 20 PENDING. I'M ON THE EXECUTIVE COMMITTEE AND HAVE TRIED -- MY
10:14AM 21 LAW FIRM HAS TRIED THREE OF THOSE CASES.

10:14AM 22 THE COURT: OKAY. DID YOU TRY ANY?

10:14AM 23 MR. CARTMELL: I TRIED TWO, AND MY PARTNER TRIED
10:14AM 24 ONE.

10:14AM 25 THE COURT: OKAY.

10:14AM 1 MR. CARTMELL: THE FIRST BELLWETHER IN THAT CASE AND
10:14AM 2 THEN ONE OTHER TWO MONTHS LATER. THOSE CASES, THE BELLWETHER
10:14AM 3 TRACKS HAVE BEEN SUSPENDED AND THEY'RE IN THE WAVE. SO I THINK
10:14AM 4 MY WORK IN THAT CASE IS PRIMARILY DONE.

10:14AM 5 YOU NEVER KNOW FOR SURE OBVIOUSLY, BUT IT'S A VERY MATURE
10:14AM 6 CASE, AND I WAS IN CHARGE OF HANDLING EXPERTS, DEFENDING IN
10:14AM 7 DAUBERT AND THE TRIAL TEAM, AND THAT HAS ALL BEEN DONE.

10:14AM 8 THE JUUL CASE, YOU KNOW, OTHERS HAVE TALKED ABOUT, AND
10:14AM 9 THAT CASE IS STILL PENDING.

10:14AM 10 I AM ON THE TRIAL TEAM. THE FIRST CASE THAT IS SCHEDULED
10:14AM 11 TO GO NOW IN JANUARY AND THERE WAS -- THERE IS ONE IN APRIL AS
10:15AM 12 WELL, AND I'M ON THAT TRIAL TEAM AS WELL.

10:15AM 13 AGAIN, MY WORK TYPICALLY IN THESE CASES IS ON THE TRIAL
10:15AM 14 TEAMS AND DEALING WITH DAUBERT AND THE EXPERTS. THAT'S MOSTLY
10:15AM 15 BEEN DONE IN THAT CASE, I THINK. SO I, I FEEL LIKE, OTHER THAN
10:15AM 16 THOSE TRIALS, WHICH OBVIOUSLY I WILL BE COMMITTED TO AND DOING
10:15AM 17 THOSE, BUT I FEEL LIKE OTHER THAN THAT, I CAN COMMIT OTHERS
10:15AM 18 FROM MY FIRM WHO ARE GOING TO BE AVAILABLE TO FILL ANY SPOTS,
10:15AM 19 BUT I ALSO FEEL LIKE GIVEN YOUR CURRENT PLAN, WHICH I
10:15AM 20 UNDERSTAND IS NOT OBVIOUSLY FINAL, BUT WITH THE UP-FRONT MOTION
10:15AM 21 PRACTICE HERE AND A PERIOD OF TIME OBVIOUSLY IN DISCOVERY, THAT
10:15AM 22 MY INVOLVEMENT MAY NOT BE AS MUCH AS EARLY IN THIS CASE.

10:16AM 23 THE COURT: HAVE YOU TRIED CASES IN NORTHERN
10:16AM 24 CALIFORNIA?

10:16AM 25 MR. CARTMELL: NO. I'VE TRIED CASES IN SOUTHERN.

10:16AM 1 ACTUALLY, MY FIRST --

10:16AM 2 THE COURT: I'M ASKING SPECIFICALLY ABOUT NORTHERN
10:16AM 3 CALIFORNIA.

10:16AM 4 MR. CARTMELL: I HAVE NOT.

10:16AM 5 I ACTUALLY SETTLED A CASE ON THE SUNDAY NIGHT BEFORE WE --
10:16AM 6 I WAS GOING TO GIVE THE OPENING STATEMENT IN FRONT OF
10:16AM 7 JUDGE BREYER ON MONDAY MORNING IN THE CELEBRIX MDL.

10:16AM 8 THE COURT: OKAY.

10:16AM 9 MR. GOZA, HAVE YOU TRIED ANY CASES IN NORTHERN CALIFORNIA?

10:16AM 10 MR. GOZA: NO, MA'AM. NO, YOUR HONOR.

10:16AM 11 THE COURT: SO I TAKE IT, MR. CARTMELL, THAT IF YOU
10:16AM 12 COULD CHOOSE A ROLE FOR A SUBCOMMITTEE, IT WOULD BE A TRIAL OR
10:16AM 13 AN EXPERT TEAM? IS THAT WHAT YOU WOULD ASK FOR?

10:16AM 14 MR. CARTMELL: YES, YOUR HONOR.

10:17AM 15 THE COURT: OKAY. LITIGATION FINANCE?

10:17AM 16 MR. CARTMELL: OUR FIRM HAS NEVER BEEN INVOLVED WITH
10:17AM 17 LITIGATION FINANCE.

10:17AM 18 THE COURT: OKAY. THANK YOU, SIR.

10:17AM 19 MR. CARTMELL: THANK YOU.

10:17AM 20 MS. LIU: GOOD MORNING, YOUR HONOR.

10:17AM 21 THE COURT: GOOD MORNING.

10:17AM 22 MS. LIU: MY NAME IS SIN-TING MARY LIU, AND I'M WITH
10:17AM 23 THE LAW FIRM OF AYLSTOCK, WITKIN, KREIS & OVERHOLTZ.

10:17AM 24 EXCUSE ME. YOUR HONOR, I APPLIED FOR THIS PSC POSITION
10:17AM 25 BECAUSE I AM -- I'VE BEEN -- MY PASSION, MY DEVOTION TO CHILD

10:17AM 1 ADVOCACY WORK DATES BACK TO RIGHT OUT LAW SCHOOL IN 2010, AND I
10:18AM 2 WANT TO CONTINUE WORKING IN THAT FIELD. I CURRENTLY REPRESENT
10:18AM 3 CLIENTS WHO HAVE BEEN ASSAULTED AS CHILDREN, AND MY WORK, MY
10:18AM 4 EXPERIENCE WITH SECTION 230 ALSO HAS -- GIVES ME THE
10:18AM 5 OPPORTUNITY TO COMBINE BOTH OF MY PASSIONS INTO THIS WORK.

10:18AM 6 I'M HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE AS FAR
10:18AM 7 AS THE STRUCTURE OF THE PSC. I DO THINK THAT A LARGE GROUP
10:18AM 8 WOULD BE BENEFICIAL IN THIS PARTICULAR CASE WITH THE NUMBER OF
10:18AM 9 DEFENDANTS AND WITH THE VARIOUS LEGAL ISSUES THAT WILL BE
10:18AM 10 PRESENTED, EVEN DURING A MOTION TO DISMISS PHASE THAT YOU WERE
10:18AM 11 TALKING ABOUT, I DO THINK THAT HAVING A LARGE BRAINPOWER WOULD
10:18AM 12 BE BENEFICIAL.

10:18AM 13 AS FAR AS LITIGATION FUNDING, WE DO NOT USE ANY LITIGATION
10:18AM 14 FUNDING AT MY FIRM.

10:18AM 15 AS FAR AS THE -- YOU HAD MENTIONED THE DAMAGES VERSUS THE
10:19AM 16 INJUNCTIVE RELIEF, I THINK THAT BOTH OF THOSE APPLY IN THESE
10:19AM 17 CASES, DEPENDING ON THE SPECIFIC CAUSES OF ACTION. OF COURSE,
10:19AM 18 IN CERTAIN ONES WE'D HAVE TO HAVE SOME PROXIMATE CAUSATION
10:19AM 19 ISSUES, AND ALL OF THOSE ISSUES WOULD BE BEFORE THE COURT.

10:19AM 20 ANY OTHER SPECIFIC QUESTIONS THAT YOU HAVE FOR ME, I'M
10:19AM 21 HAPPY TO ANSWER.

10:19AM 22 THE COURT: SO IN TERMS OF YOUR CURRENT WORKLOAD, IT
10:19AM 23 LOOKS LIKE YOU'VE GOT SOME CONSOLIDATED CASES IN CALIFORNIA
10:19AM 24 STATE COURT.

10:19AM 25 MS. LIU: CORRECT, YOUR HONOR. I AM -- I CURRENTLY

10:19AM 1 LEAD OUR FIRM'S CHILDHOOD SEXUAL ABUSE CASES IN THE JCCP, AND
10:19AM 2 THERE ARE THREE CASES IN JCCP, 5101, 5105, AND 5108. IT'S ONLY
10:19AM 3 FOR MY FIRM. I'M NOT ON THE PLAINTIFF LIAISON COUNSEL OR
10:19AM 4 ANYTHING LIKE THAT BEFORE THE JCCP. I DO HAVE A TEAM OF
10:20AM 5 ATTORNEYS AND A FAIRLY LARGE STAFF THAT ARE ASSISTING ME ON
10:20AM 6 THOSE CASES.

10:20AM 7 THE COURT: OKAY. ARE YOU ON ANY OF OR HAVE YOU
10:20AM 8 BEEN APPOINTED TO PARTICIPATE IN ANY YOURSELF? ANY MDL'S OR
10:20AM 9 STATE CO-LEADS OR STATE STEERING COMMITTEES?

10:20AM 10 MS. LIU: WHILE I HAVE WORKED EXTENSIVELY IN JCCP'S
10:20AM 11 AND MDL'S, I HAVE NOT EVER ACTUALLY APPLIED FOR A POSITION
10:20AM 12 UNTIL THIS ONE, AND THAT'S BECAUSE OF MY PASSION FOR THIS
10:20AM 13 PARTICULAR CASE.

10:20AM 14 THE COURT: IF YOU COULD BE ON A SUBCOMMITTEE, WHAT
10:20AM 15 WOULD IT BE?

10:20AM 16 MS. LIU: CURRENTLY I WOULD LOVE TO BE ON THE MASTER
10:20AM 17 COMPLAINT COMMITTEE. MY PAST EXPERIENCE IS I DID A LOT OF
10:20AM 18 DISCOVERY AND DEPOSITIONS AND ALSO EXPERT HANDLING. SO THOSE
10:20AM 19 WOULD BE THE TEAMS THAT I WOULD BE MOST INTERESTED IN,
10:20AM 20 YOUR HONOR.

10:20AM 21 THE COURT: AND WHAT IS YOUR BACKGROUND ON THE
10:20AM 22 EXPERTS?

10:21AM 23 MS. LIU: I RECRUITED A LOT OF THE EXPERTS IN OUR
10:21AM 24 TRANSACTIONAL MESH LITIGATION. I HANDLED PREPARING THEM FOR
10:21AM 25 DEPOSITIONS, I ALSO TOOK A LOT OF DEFENSE EXPERT DEPOSITIONS.

10:21AM 1 SO THAT WOULD BE MORE OF MY EXPERTISE WITH THE EXPERTS.

10:21AM 2 THE COURT: OKAY. ANYTHING ELSE YOU WOULD LIKE ME
10:21AM 3 TO CONSIDER?

10:21AM 4 MS. LIU: NO, YOUR HONOR. THANK YOU. THANK YOU FOR
10:21AM 5 YOUR TIME AND CONSIDERATION.

10:21AM 6 THE COURT: THANK YOU.

10:21AM 7 MR. MURA: GOOD MORNING, YOUR HONOR.

10:21AM 8 ANDRE MURA OF GIBBS LAW GROUP HERE IN OAKLAND, CALIFORNIA.

10:21AM 9 THE COURT: GOOD MORNING.

10:21AM 10 MR. MURA: I APPLIED FOR A PSC POSITION. IF THERE'S
10:21AM 11 A PARTICULAR COMMITTEE THAT I THINK WOULD BEST SUIT ME, IT
10:21AM 12 WOULD BE A LAW AND BRIEFING COMMITTEE OR ANY EARLY PLEADING
10:22AM 13 PREPARATION COMMITTEE.

10:22AM 14 I HAVE DONE EXTENSIVE WORK IN VARIOUS MDL'S IN THAT
10:22AM 15 CAPACITY BOTH IN TEXAS, HERE, AND IN 3M WHERE I BOTH SERVED ON
10:22AM 16 THE PSC AND LONG BRIEFING, AND IN 3M I WAS APPOINTED AND
10:22AM 17 APPLIED ONLY FOR THE LONG BRIEFING COMMITTEE.

10:22AM 18 AND IN THAT CAPACITY I'VE ARGUED MAJOR DISPOSITIVE
10:22AM 19 MOTIONS, PREPARED EARLY COMPLAINTS, MASTER COMPLAINTS, SHORT
10:22AM 20 FORM COMPLAINTS, DONE A LOT OF RESEARCH AND HAVE A LOT OF
10:22AM 21 EXPERIENCE MANAGING LARGE WRITING TEAMS IN THAT CAPACITY, WHICH
10:22AM 22 I THINK WOULD BE VERY HELPFUL HERE.

10:22AM 23 I ALSO HAVE AN APPELLATE BACKGROUND. BEFORE COMING TO
10:22AM 24 GIBBS LAW GROUP, I WORKED IN WASHINGTON, D.C., THE CENTER FOR
10:22AM 25 CONSTITUTIONAL LITIGATION WHERE MY FOCUS WAS ON CUTTING EDGE

1 ISSUES THAT WERE AFFECTING THE PLAINTIFFS' BAR, AND WE ALSO
2 REPRESENTED THE AMERICAN ASSOCIATION FOR JUSTICE WHEN IT
3 APPEARED AS AMICUS BEFORE THE U.S. SUPREME COURT. SO I HAD A
4 BIRD'S-EYE VIEW OF ALL SORTS OF CUTTING EDGE, NOVEL ISSUES THAT
5 WERE AFFECTING THE PLAINTIFFS' BAR.

6 I ALSO HAVE EXPERIENCE BRIEFING SECTION 230 AND
7 ANTI-SLAPP. I HAVE A CASE PENDING NOW BEFORE JUDGE CHEN
8 AGAINST THOMSON REUTERS WHICH INVOLVED THOSE ISSUES AT THE
9 MOTION TO DISMISS STAGE, AND WE PREVAILED ON BOTH OF THOSE
10 ISSUES, AND THE CASE HAD PROCEEDED TO CLASS CERTIFICATION AND
11 WHICH IS ACTUALLY DUE TODAY AND WHICH WE WILL FILE LATER TODAY.

12 SO I THINK ALL OF THOSE EXPERIENCES PARTICULARLY DEALING
13 WITH VERY COMPLEX LEGAL BRIEFING ARE ISSUES THAT I'M INTERESTED
14 IN IN WORKING ON THIS CASE AND WHERE I THINK I CAN CERTAINLY
15 ADD VALUE.

16 THE COURT: AND HOW DID YOU GET -- HOW DID YOU LEARN
17 ABOUT THIS? HOW IS IT THAT YOU BECAME INVOLVED?

18 MR. MURA: I LEARNED ABOUT THIS CASE IN TALKING TO
19 SOME OF MY COLLEAGUES WHO I KNOW HERE WHO HAVE PRESENTED TODAY.
20 WE'VE WORKED ON OTHER MDL'S BEFORE, AND SO WE ALWAYS TALK ABOUT
21 WHAT THE OTHER IS WORKING ON, AND I WAS VERY INTERESTED AND
22 SORT OF ASKED TO PARTICIPATE BECAUSE OF MY LEGAL BRIEFING
23 BACKGROUND, AND I HAD TALKED TO THEM ABOUT MY EXPERIENCE
24 RESEARCHING AND WRITING ABOUT SECTION 230.

25 AND ALSO, I'VE ARGUED A LOT OF PREEMPTION MOTIONS BOTH IN

10:24AM 1 THE PHARMACEUTICAL CONTEXT AND JURISDICTIONAL ISSUES. WHEN I
 10:24AM 2 WAS AT THE CENTER ONE OF MY LEAD CASES WAS A CASE THAT WENT UP
 10:24AM 3 TO THE SUPREME COURT WHERE I DID THE MERITS BRIEFING AT THAT
 10:24AM 4 STAGE, IT WAS IN THE CATHETER CASE AND SO ALL OF THAT, I THINK,
 10:24AM 5 MADE ME A NATURAL FIT FOR SORT OF BEING ASKED IF I WAS
 10:24AM 6 INTERESTED IN WORKING ON THIS CASE, AND I WAS VERY EXCITED BY
 10:24AM 7 THE INDIVIDUALS WHO WERE WORKING ON THIS CASE. I HAVE WORKED
 10:24AM 8 WITH THEM BEFORE.

10:24AM 9 I WAS EXCITED TO SEE A YOUNG DIVERSE GROUP. I HAVE SPOKEN
 10:24AM 10 ABOUT DIVERSITY MOST RECENTLY AT A SYMPOSIUM HELD BY THE CIVIL
 10:24AM 11 JUSTICE RESEARCH INITIATIVE HERE AT BERKELEY LAW SCHOOL WHERE I
 10:25AM 12 WAS A PANELIST AND TALKED ABOUT THE IMPORTANCE OF DIVERSITY IN
 10:25AM 13 LEADERSHIP IN MULTIDISTRICT LITIGATION. I TRIED TO BE ACTIVE
 10:25AM 14 IN MY OWN BACKGROUND.

10:25AM 15 THE COURT: AND WHY DO YOU THINK IT'S IMPORTANT?

10:25AM 16 MR. MURA: I THINK DIVERSITY IS IMPORTANT BECAUSE IT
 10:25AM 17 BRINGS A BROAD SET OF EXPERIENCES AND IT ALSO -- I THINK IT'S
 10:25AM 18 IMPORTANT IN MULTIDISTRICT LITIGATION TO HAVE ATTORNEYS WHO ARE
 10:25AM 19 REPRESENTING SORT OF THESE NATIONAL PROBLEMS TO REFLECT THE
 10:25AM 20 CLIENT BASE THAT THEY'RE REPRESENTING.

10:25AM 21 THE COURT: HOW? CAN YOU EXPLAIN TO ME YOUR
 10:25AM 22 DIVERSITY?

10:25AM 23 MR. MURA: I'M A FIRST GENERATION AMERICAN. I'M
 10:25AM 24 ALSO LGBTQ, AND I MOST RECENTLY, FOR EXAMPLE, SERVED AS THE
 10:25AM 25 CO-CHAIR OF THE AMERICAN ASSOCIATION FOR JUSTICES LGBTQ

10:25AM 1 COMMITTEE. SO I VERY MUCH TRY TO SORT OF WORK WITH OTHER
 10:25AM 2 MEMBERS OF THAT COMMUNITY, TO PROMOTE THEM, AND TO PROVIDE THE
 10:25AM 3 OPPORTUNITIES IN THE LEGAL FIELD AND SO TO SORT OF LEARN AND
 10:26AM 4 NETWORK AS WELL.

10:26AM 5 MY FIRM DID WORK ON A WHITE PAPER THAT WAS PRESENTED
 10:26AM 6 THROUGH G.W. LAW SCHOOL, WHICH IS ALSO MY ALMA MATER, THAT
 10:26AM 7 TALKED ABOUT THIS AS WELL AND UNDERREPRESENTATION FOR GENDER
 10:26AM 8 AND PEOPLE OF COLOR AND LGBTQ. SO I TRY TO DO WORK IN THAT
 10:26AM 9 AREA, AND I'M VERY PROUD OF THAT WORK.

10:26AM 10 THE COURT: OKAY. LITIGATION FINANCING?

10:26AM 11 MR. MURA: OUR FIRM DOES NOT USE LITIGATION
 10:26AM 12 FINANCING.

10:26AM 13 THE COURT: OKAY. ANYTHING ELSE YOU WANT ME TO
 10:26AM 14 THINK ABOUT?

10:26AM 15 MR. MURA: NO, YOUR HONOR. UNLESS YOUR HONOR HAS
 10:26AM 16 ANY QUESTIONS, I'M HAPPY TO --

10:26AM 17 THE COURT: NO.

10:26AM 18 MR. MURA: OKAY. THANK YOU SO MUCH.

10:26AM 19 THE COURT: THANK YOU.

10:26AM 20 MS. BOLDT: GOOD MORNING, YOUR HONOR.

10:26AM 21 PAIGE BOLDT FROM THE LAW FIRM OF WATTS GUERRA.

10:26AM 22 THE COURT: OKAY. GOOD MORNING.

10:26AM 23 MS. BOLDT: GOOD MORNING. AS I'VE MENTIONED IN MY
 10:27AM 24 PAPERS, I HAVE BEEN PRACTICING MASS TORT IN MULTIDISTRICT
 10:27AM 25 LITIGATION FOR PRODUCT LIABILITY CASES FOR TEN YEARS,

10:27AM 1 REPRESENTING CLIENTS ACROSS THE COUNTRY IN SEVERAL MDL'S BUT
 10:27AM 2 ONLY APPOINTED IN ONE FOR THE ZANTAC LITIGATION WHERE I AM
 10:27AM 3 CURRENTLY WORKING ON BOTH DEPOSITION DISCOVERY AND BELLWETHER
 10:27AM 4 LITIGATION OR COMMITTEE STRATEGY AND WOULD PRIMARILY SEE MY
 10:27AM 5 ROLE, AS A CO-LEAD APPLICANT MENTIONED, YOU GET EXPERTS IN
 10:27AM 6 CERTAIN DEFENDANTS, YOU GET PEOPLE WHO SPECIALIZE IN CERTAIN
 10:27AM 7 DISCOVERY MATTERS AND GOING THROUGH THE DOCUMENTS THEMSELVES
 10:27AM 8 AND BECOMING THE GO-TO PERSON ON THOSE TOPICS, AND I COULD
 10:27AM 9 DEFINITELY SEE MYSELF DOING THAT FOR EITHER DISCOVERY OR I
 10:27AM 10 IMAGINE THERE'S GOING TO BE A LOT OF ESI DISCUSSIONS AS WELL
 10:27AM 11 AND I WOULD ASSIST IN THAT IN THIS LITIGATION.

10:27AM 12 THE COURT: AND YOU SAID YOU'RE ON THE ZANTAC
 10:27AM 13 COMMITTEE?

10:27AM 14 MS. BOLDT: I AM.

10:27AM 15 THE COURT: OKAY. AND WHAT IS YOUR CURRENT ROLE
 10:27AM 16 THERE AND DO YOU HAVE TIME?

10:28AM 17 MS. BOLDT: YES. I'M ON THE BELLWETHER COMMITTEE,
 10:28AM 18 AND I'M A MEMBER OF ASSISTING WITH THE SCIENCE TEAM AS WELL AS
 10:28AM 19 THE DISCOVERY TEAM. AND I CERTAINLY HAVE TIME.

10:28AM 20 WE HAVE GONE THROUGH SOME OF THE DAUBERT ISSUES, AND WE'RE
 10:28AM 21 WAITING ON MOTIONS THERE, BUT WE HAVE A WHOLE COMMITTEE PEOPLE
 10:28AM 22 ON THE BELLWETHER GROUP. AS WE GET INTO MORE CASE SPECIFIC
 10:28AM 23 TOPICS, I IMAGINE THAT WORK WILL BE DISTRIBUTED EVENLY AMONGST
 10:28AM 24 THAT FULL COMMITTEE.

10:28AM 25 THE COURT: SO YOU SAID THAT YOU HADN'T BEEN

10:28AM 1 APPOINTED EXCEPT FOR ZANTAC?

10:28AM 2 MS. BOLDT: I'VE ONLY BEEN POINTED BY THE COURT IN

10:28AM 3 ZANTAC. I'VE DONE A LOT AD HOC PROJECTS FOR OTHER COMMITTEES

10:28AM 4 OR FOR OTHER MDL'S.

10:28AM 5 THE COURT: OKAY. SO THE OTHER FOUR THAT ARE LISTED

10:28AM 6 ARE JUST AD HOC WORK?

10:28AM 7 MS. BOLDT: CORRECT.

10:28AM 8 THE COURT: I'M SORRY, YOU SAID WHAT?

10:28AM 9 MS. BOLDT: AD HOC WORK, YES, YOUR HONOR.

10:29AM 10 THE COURT: LITIGATION FINANCE?

10:29AM 11 MS. BOLDT: WE DO NOT HAVE LITIGATION FINANCE FOR

10:29AM 12 THIS CASE, YOUR HONOR. MY UNDERSTANDING IS WE DON'T HAVE ANY

10:29AM 13 CURRENTLY, BUT I DON'T KNOW IF WE'VE DONE THAT IN THE PAST.

10:29AM 14 THE COURT: AND YOU DO LIVE IN SAN ANTONIO.

10:29AM 15 MS. BOLDT: I DON'T ANYMORE. I MOVED UP TWO YEARS

10:29AM 16 AGO. I WAS IN FORT WORTH.

10:29AM 17 THE COURT: YOUR LETTERHEAD SAYS THAT.

10:29AM 18 MS. BOLDT: YES. I WORK REMOTELY, SO I TRY NOT TO

10:29AM 19 PUT MY HOME ADDRESS.

10:29AM 20 THE COURT: THAT MAKES SENSE.

10:29AM 21 ALL RIGHT. ANYTHING ELSE THAT YOU WANT ME TO CONSIDER IN

10:29AM 22 TERMS OF YOUR APPLICATION?

10:29AM 23 MS. BOLDT: NO, YOUR HONOR. IT SEEMS LIKE YOU'VE

10:29AM 24 REVIEWED IT EXTENSIVELY.

10:29AM 25 THE COURT: ALL RIGHT. THANK YOU.

10:30AM 1 MR. BILSBORROW: GOOD MORNING, YOUR HONOR.

10:30AM 2 JAMES BILSBORROW OF WEITZ AND LUXENBERG.

10:30AM 3 THE COURT: GOOD MORNING. OKAY. GO AHEAD.

10:30AM 4 MR. BILSBORROW: YOUR HONOR, I'M APPLYING FOR A

10:30AM 5 POSITION WITH THE PLAINTIFFS STEERING COMMITTEE IN THIS CASE.

10:30AM 6 I HAVE EXPERIENCE PLAYING A ROLE ON THE PLAINTIFFS' STEERING

10:30AM 7 COMMITTEE IN THE DICAMBA HERBICIDES LITIGATION. D-I-C-A-M-B-A,

10:30AM 8 HERBICIDES LITIGATION.

10:30AM 9 IN THAT LITIGATION I WAS A MEMBER OF THE PLAINTIFFS'

10:30AM 10 EXECUTIVE COMMITTEE. I OVERSAW AND ORGANIZED ALL OF THE

10:30AM 11 PERCIPIENT COMPANY DEPOSITIONS OF THE DEFENDANTS, I TOOK MANY

10:30AM 12 OF THOSE DEPOSITIONS MYSELF, BUT I ALSO ORGANIZED THAT EFFORT

10:30AM 13 ON THE PLAINTIFFS' SIDE. I ALSO NEGOTIATED MANY OF THE EARLY

10:30AM 14 DISCOVERY ORDERS, THE SAME TYPES OF ORDERS THAT WOULD BE

10:30AM 15 RELEVANT HERE IN THIS CASE, PROTECTIVE ORDERS, ESI PROTOCOLS,

10:30AM 16 TARP PROTOCOLS, I WAS PART OF THAT TEAM, I CO-LED THAT TEAM.

10:31AM 17 IN ADDITION, I HAVE EXTENSIVE EXPERIENCE IN LAW AND

10:31AM 18 BRIEFING COMMITTEES. I CLERKED FOR TWO FEDERAL JUDGES, AND

10:31AM 19 DURING MY CLERKSHIP IN THE UNITED STATES DISTRICT COURT IN

10:31AM 20 PENNSYLVANIA, WE HAD A LARGE ANTITRUST MDL, SO I'M PRETTY

10:31AM 21 FAMILIAR WITH HOW JUDGES THINK ABOUT THESE THINGS BEHIND THE

10:31AM 22 SCENES.

10:31AM 23 IN ANY OF THOSE ROLES, I THINK I WOULD BE VALUE ADDED IN

10:31AM 24 AN MDL CASE SUCH AS THIS.

10:31AM 25 I WOULD ALSO SAY THAT I THINK THE LEADERSHIP STRUCTURE

10:31AM 1 THAT HAS BEEN PROPOSED HERE, WHILE IT MAY BE LARGE, IT IS
10:31AM 2 APPROPRIATE. MY FIRM HAS BEEN INVOLVED IN MANY OF THE LARGEST
10:31AM 3 MASS TORT LITIGATIONS OVER THE LAST TWO DECADES AND THEY
10:31AM 4 REQUIRE A LOT OF WORK, EVEN IF THEY DON'T SEEM LIKE THAT AT THE
10:31AM 5 FOREFRONT, I KNOW IN THIS CASE EACH ONE OF THE PROPOSED
10:31AM 6 CO-LEADS HAS BEEN ON THE PHONE, HAS SPENT COUNTLESS HOURS ON
10:31AM 7 THE PHONE WITH PLAINTIFFS' COUNSEL TRYING TO ENSURE THAT WE
10:31AM 8 HAVE A UNIFIED STRATEGY, WE'RE NOT ONE LAW FIRM, WE CAN'T -- WE
10:32AM 9 DON'T GET MARCHING ORDERS FROM ONE OR TWO MANAGING PARTNERS.
10:32AM 10 AND SO IT TAKES A LOT OF WORK FOR THE STRATEGY TO COME TOGETHER
10:32AM 11 AND TO COALESCE.

10:32AM 12 I KNOW EACH -- I'VE PERSONALLY SPOKEN WITH EACH ONE OF THE
10:32AM 13 CO-LEADS IN THIS CASE AND STRATEGIZED WITH THEM, AND SO I THINK
10:32AM 14 THEY'VE DONE A TREMENDOUS JOB UP-FRONT, AND I KNOW THEY'LL
10:32AM 15 CONTINUE TO DO A TREMENDOUS JOB IF APPOINTED.

10:32AM 16 MY FIRM DOES NOT TAKE LITIGATION FUNDING.

10:32AM 17 AND I'M HAPPY TO ANSWER ANY QUESTIONS THAT YOUR HONOR HAS.

10:32AM 18 THE COURT: HAVE YOU LITIGATED IN THE NORTHERN
10:32AM 19 DISTRICT?

10:32AM 20 MR. BILSBORROW: YES, YOUR HONOR. MY LAW PARTNER,
10:32AM 21 ROBIN GREENWALD, IS CO-LEAD COUNSEL IN A ROUNDUP LITIGATION.
10:32AM 22 I'VE WORKED EXTENSIVELY ON THAT LITIGATION. I WORKED UP
10:32AM 23 SEVERAL OF THE SCIENTIFIC EXPERTS, AND I'M VERY FAMILIAR WITH
10:32AM 24 AT LEAST JUDGE CHHABRIA'S OR HIS PRACTICES IN HIS COURTROOM.

10:33AM 25 THE COURT: OKAY. AND WHY THIS CASE?

10:33AM 1 MR. BILSBORROW: YOUR HONOR, THIS CASE IS

10:33AM 2 INTERESTING TO ME FOR A LOT OF THE REASONS THAT IT'S BEEN

10:33AM 3 ENUNCIATED HERE ALREADY. I THINK IT'S AN INCREDIBLY IMPORTANT

10:33AM 4 ISSUE.

10:33AM 5 WHILE I PERSONALLY HAVEN'T DONE A LOT OF LITIGATION IN THE

10:33AM 6 SOCIAL MEDIA SPACE, I HAVE A LOT OF EXPERIENCE IN PRODUCTS

10:33AM 7 CASES AND THAT COVER A WIDE RANGE OF DIFFERENT PRODUCTS, CROP

10:33AM 8 PROTECTION PRODUCTS, CARS, COSMETICS, AND I SEE SIMILARITIES

10:33AM 9 WITH THIS AND THOSE CASES, BIG DEFENDANTS, A GROUNDBREAKING

10:33AM 10 PRODUCT THAT IS HAVING HUGE IMPACTS ON SOCIETY, AND THAT'S THE

10:33AM 11 REASON THAT I BECAME A PLAINTIFFS' LAWYER, TO WORK AND

10:33AM 12 REPRESENT CLIENTS WHO GOT INJURED BY THOSE TYPES OF PRODUCTS.

10:33AM 13 THE COURT: THE DEFENDANTS SAY IT'S NOT A PRODUCT.

10:33AM 14 WHY DO YOU THINK IT IS A PRODUCT?

10:33AM 15 MR. BILSBORROW: WELL, IT'S A PRODUCT BECAUSE, YOU

10:34AM 16 KNOW, IT'S REALLY NO DIFFERENT THAN ANY OTHER "THING," FOR LACK

10:34AM 17 OF A BETTER WORD, THAT INDIVIDUALS USE, RIGHT, AND INTERACT

10:34AM 18 WITH AND IT'S SOMETHING THAT BECOMES AN INTEGRAL PART OF THEIR

10:34AM 19 LIFE?

10:34AM 20 SO I THINK THERE'S CASE LAW IN VARIOUS STATES THAT HAVE

10:34AM 21 HELD THAT THIS TYPE OF PRODUCT IS A PRODUCT.

10:34AM 22 THE DEFENDANTS CALL THEMSELVES PRODUCT ENGINEERS, THEY

10:34AM 23 REFER TO THIS AS A PRODUCT, AND I THINK THROUGH THE BRIEFING WE

10:34AM 24 WILL SHOW THAT THIS IS A PRODUCT.

10:34AM 25 THE COURT: OKAY.

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MR. BILSBORROW: THANK YOU, YOUR HONOR.

MR. BERGMAN: MAY IT PLEASE THE COURT, I'M
MATTHEW BERGMAN, AND I'M FOUNDER OF THE SOCIAL MEDIA VICTIMS
LAW CENTER.

I FOUNDED THIS LAW FIRM A LITTLE OVER A YEAR AGO IN
RESPONSE TO THE MENTAL HEALTH CRISIS THAT OUR CHILDREN ARE
EXPERIENCING. I WANTED TO TAKE MY 25 YEARS OF EXPERIENCE
REPRESENTING VICTIMS OF PRODUCT LIABILITY AND TRY TO DO
SOMETHING SO WE STOP HAVING THE KIND OF VICTIMS THAT WE HAVE.

I'M DEEPLY INVOLVED IN THE LITIGATION. I CURRENTLY
REPRESENT 1,163 PARENTS WHOSE CHILDREN HAVE EITHER PASSED AWAY
THROUGH SOCIAL MEDIA OR HAVE HAD A DIAGNOSIS AND SEEN BY A
MENTAL HEALTH OR A MEDICAL PRACTITIONER IN REGARD TO THAT.

I FILED THE FIRST CASE INVOLVING YOUTH MENTAL HEALTH AND
SOCIAL MEDIA, THE FIRST PRODUCT LIABILITY CASE IN THIS
DISTRICT. THAT WAS THE RODRIGUEZ CASE. OUR FIRM WAS
RESPONSIBLE FOR DEVELOPING THE PRODUCT LIABILITY THEORIES THAT
WE BELIEVE ARE RESONANT, AND WE'VE BEEN ABLE TO, THROUGH THIS
WORK, RETAIN SOME OF THE LEADING EXPERTS IN THE FIELD. WE'RE
WORKING VERY CLOSELY WITH THESE EXPERTS ALREADY IN DEVELOPING
VARIOUS FORMS OF EXPERT TESTIMONY FROM ALGORITHMIC DESIGN TO
SUICIDALITY TO YOUTH MENTAL HEALTH TO ADDICTION.

TOGETHER WITH MY PARTNER, LAURA MARQUEZ-GARRETT, WE HAVE
DEVELOPED A SPOKE COMPUTER PLATFORM THAT CAN AMALGAMATE
MULTIPLE SOCIAL MEDIA PLATFORMS INVOLVING A CHILD'S SOCIAL

1 MEDIA DATA AND PULL OUT MALIGN CONTENT AND VARIOUS OTHER THINGS
2 THAT DEMONSTRATE CAUSATION.

3 YOU KNOW, MY BACKGROUND IS NOT IN MASS TORT PER SE. MY
4 BACKGROUND HAS BEEN AS A PRODUCT LIABILITY LAWYER ESSENTIALLY
5 POURING NEW WINE IN OLD BOTTLES ADAPTING THE LAW. WE'RE IN A
6 NEW FIELD OF LAW THAT IS GOING TO BE CHALLENGING FOR MY
7 COLLEAGUES ON THE OTHER SIDE, AND IT'S GOING TO BE CHALLENGING
8 FOR THE COURT, AND IT'S GOING TO BE CHALLENGING FOR US.

9 I THINK THAT MY 25 YEARS OF WORK THAT HAS BEEN
10 DEMONSTRATED BY MY APPELLATE RECORD INDICATES THAT I HAVE THE
11 ABILITY TO BE CREATIVE AND ADAPT TRADITIONAL CONCEPTS OF
12 PRODUCT LIABILITY TO THIS VERY UNIQUE PROBLEM THAT WE HAVE AS A
13 SOCIETY.

14 I AM DEEPLY COMMITTED TO THIS WORK, JUDGE. I HAVE NEVER
15 IN 30 YEARS CONFRONTED AND DEALT WITH PLAINTIFFS LESS CONCERNED
16 ABOUT MONEY AND MORE CONCERNED ABOUT DOING SOMETHING, AND SO
17 I'VE DEVOTED -- I'VE TAKEN UP COUNSEL STATUS WITH MY FORMER LAW
18 FIRM AND WOULD LIKE TO DEVOTE THE NEXT 5 TO 10 YEARS OF MY
19 CAREER MAKING A DIFFERENCE.

20 THE COURT: THANK YOU, MR. BERGMAN.

21 YOUR APPLICATION IS DIFFERENT THAN OTHERS, BUT IT SEEMS
22 LIKE THIS IS ALL YOU DO.

23 MR. BERGMAN: I AM DOING A LITTLE BIT OF NEGOTIATING
24 FOR MY PRIOR FIRM, BUT, YEAH, THIS IS ALL I DO.

25 THE COURT: OKAY. THANK YOU, SIR.

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MR. BERGMAN: JUDGE, I DO NOT -- WELL, I AM MY OWN
LITIGATION FUNDING.

THE COURT: THAT WAS MY SENSE.
(LAUGHTER.)

THE COURT: GOOD MORNING.

MS. GOLDBERG: GOOD MORNING, YOUR HONOR.
I'M CARRIE GOLDBERG OF C.A. GOLDBERG PLLC IN BROOKLYN.
I'M APPLYING FOR A PSC POSITION.

SIX MONTHS AGO I DIDN'T EVEN KNOW WHAT THE LETTERS MDL
STOOD FOR, BUT REPRESENTING VICTIMS AGAINST BIG TECH IS MY
LIFE'S WORK. I FOUNDED MY LAW FIRM IN 2014 AFTER I HAD BEEN
THE VICTIM OF A MAN WHO WAS AGGRESSING AGAINST ME ON SOCIAL
MEDIA. AND I BASICALLY GO TO SLEEP EVERY NIGHT THINKING ABOUT
SECTION 230, AND I WAKE UP EVERY MORNING THINKING ABOUT IT.

MY CASE HERRICK V. GRINDR IN 2017 WAS THE FIRST IN THE
COUNTRY TO BRING -- TO SUE A PLATFORM FOR DEFECTIVE DESIGN AND
MANUFACTURE, AND WE LOST UNDER SECTION 230 IN A REALLY MAJOR
WAY. WE WENT UP AND APPEALED IT TO THE SECOND CIRCUIT, TRIED
TO GET CERT FROM THE SUPREME COURT, LOST THAT, BUT THEN THAT
CASE WAS CITED IN THE MALWAREBYTES DISCUSSION BY
JUSTICE CLARENCE THOMAS AS ONE OF THE REASONS THAT SECTION 230
HAS BEEN BLOATED WELL BEYOND WHAT THE PEOPLE INTENDED IN 1996.

SINCE THEN MY CASE A.M. VERSUS OMEGLE OVERCAME A
SECTION 230 12(B)(6) MOTION, AND IT'S ONE OF THE ONLY ONES IN
THE COUNTRY THAT HAS.

10:39AM 1 THE COURT: SO YOU'VE -- AND THAT WAS JUDGE MOSMAN'S

10:40AM 2 DECISION?

10:40AM 3 MS. GOLDBERG: YES. AND BY THE WAY, WE'RE GOING TO

10:40AM 4 BE ARGUING THE PRODUCT VERSUS SERVICE ISSUE IN ABOUT A MONTH

10:40AM 5 BECAUSE DEFENDANTS FORGOT TO BRING THAT IN THE ORIGINAL

10:40AM 6 12 (B) (6) .

10:40AM 7 AND I WILL ADD ON TO MY COLLEAGUE'S STATEMENT THAT THESE

10:40AM 8 COMPANIES ARE BEING SUED AS PRODUCTS. THEY MAY ALSO BE

10:40AM 9 SERVICES, BUT THESE ARE TANGIBLE THINGS THAT WE CAN SEE AND

10:40AM 10 HEAR AND MOVE AND WE'RE TALKING ABOUT -- AND THEY'RE

10:40AM 11 DOWNLOADABLE -- I'LL SAVE THAT FOR THE BRIEFING BUT --

10:40AM 12 THE COURT: OKAY. LITIGATION FUNDING?

10:40AM 13 MS. GOLDBERG: NO LITIGATION FUNDING.

10:40AM 14 LIKE MR. BERGMAN, I OWN MY OWN SHOP AND FUND EVERYTHING

10:40AM 15 MYSELF.

10:40AM 16 THE COURT: AND IN TERMS OF SUBCOMMITTEE WORK, WHAT

10:40AM 17 WOULD YOU DO?

10:40AM 18 MS. GOLDBERG: I'D LIKE TO BE WORKING ON THE LAW AND

10:41AM 19 THE MOTIONS AND MAKING THE MOST GORGEOUS MASTER COMPLAINT

10:41AM 20 IMAGINABLE.

10:41AM 21 AND BY THE WAY, I ALSO THINK WE NEED THIS BIG GROUP.

10:41AM 22 WE'RE DEALING WITH THE BIGGEST COMPANIES IN THE HISTORY OF THE

10:41AM 23 WORLD, AND WE NEED THIS KIND OF POWER ON OUR SIDE.

10:41AM 24 THE COURT: OKAY. THANK YOU.

10:41AM 25 MS. GOLDBERG: THANK YOU.

10:41AM 1 THE COURT: WE'LL GO THROUGH THIS NEXT SET, AND
10:41AM 2 WE'LL TAKE A BREAK SO MY COURT REPORTER GETS A BREAK.

10:41AM 3 MS. PAULOS: MY NAME IS EMMIE PAULOS, AND I'M FROM
10:41AM 4 LEVIN, PAPANTONIO & RAFFERTY.

10:41AM 5 THE COURT: GOOD MORNING.

10:41AM 6 MS. PAULOS: HI. GOOD MORNING.

10:41AM 7 I AM APPLYING FOR THE PLAINTIFFS' STEERING COMMITTEE
10:41AM 8 POSITION BECAUSE I BELIEVE AND HOPE THAT MY BACKGROUND COULD
10:41AM 9 LEND ITSELF USEFUL TO THIS PARTICULAR LITIGATION.

10:42AM 10 FOR SEVERAL YEARS NOW I'VE BEEN WORKING WITH VICTIMS OF
10:42AM 11 HUMAN TRAFFICKING AND IN THOSE CASES WE DO COME ACROSS ISSUES
10:42AM 12 CONCERNING SECTION 230 OF THE C.D.A.

10:42AM 13 ADDITIONALLY, I'VE HAD EXPOSURE AND A PRETTY SOLID
10:42AM 14 UNDERSTANDING OF HOW TO DEAL WITH VERY SENSITIVE ISSUES. IN
10:42AM 15 TERMS OF DISCOVERY, OFTENTIMES THE CASES THAT DO INVOLVE SEXUAL
10:42AM 16 EXPLOITATION YOU'LL COME ACROSS WHAT IS CALLED CSAM, THAT'S
10:42AM 17 CHILD SEXUAL ABUSE MATERIALS, AND WE WORK WITH VARIOUS
10:42AM 18 ORGANIZATIONS IN THAT RESPECT, SO I FEEL LIKE THAT IS A UNIQUE
10:42AM 19 QUALIFICATION THAT I WOULD BE ABLE TO BRING.

10:42AM 20 ADDITIONALLY, WE DO WORK WITH VICTIMS OF HUMAN
10:42AM 21 TRAFFICKING, SO WE DO HAVE A VERY TRAUMA INFORMED APPROACH WITH
10:42AM 22 DEALING WITH OUR CLIENTS.

10:43AM 23 HERE THE MAJORITY OF THE CLIENTS ARE EITHER CHILDREN OR
10:43AM 24 YOUNG ADOLESCENTS AND THEY HAVE VERY SEVERE INJURIES IN TERMS
10:43AM 25 OF SUICIDE OR SUICIDE IDEATION, SELF-CUTTING, EATING DISORDERS,

10:43AM 1 AND I DO FEEL THAT EXPERTISE OF HAVING THAT TRAUMA INFORMED
 10:43AM 2 APPROACH IS -- WOULD LEND ITSELF WELL TO THIS DEMOGRAPHIC OF
 10:43AM 3 CLIENTS, ESPECIALLY THE CHILDREN THAT WE ARE WORKING WITH IN
 10:43AM 4 THIS LITIGATION.

10:43AM 5 ADDITIONALLY, I DO HAVE THE TIME TO FULLY COMMIT MYSELF,
 10:43AM 6 MY SKILLS AND MY RESOURCES, TO THIS LITIGATION.

10:43AM 7 TO ANSWER YOUR QUESTION ABOUT LEADERSHIP STRUCTURE, I DO
 10:43AM 8 FEEL LIKE HAVING THE VARIOUS COMMITTEES WITHIN THE ORGANIZATION
 10:43AM 9 WOULD BE BENEFICIAL.

10:43AM 10 I KNOW IF WE WERE TO PUT IN THE FOREFRONT THE MOTION TO
 10:43AM 11 DISMISS, THERE WAS WORK THAT STILL REMAINS TO BE DONE. I THINK
 10:44AM 12 MY COLLEAGUES HAVE ADDRESSED DISCOVERY, BUT I ALSO THINK THAT
 10:44AM 13 WORKING WITH EXPERTS IS VERY IMPORTANT.

10:44AM 14 I THINK THAT IT WILL HELP NARROW THE ISSUES IN THIS
 10:44AM 15 LITIGATION.

10:44AM 16 ADDITIONALLY, I THINK THAT THE WORK NEEDS TO BE DONE IN
 10:44AM 17 CASE WE DO, AND HOPEFULLY WE WILL, OVERCOME THE MOTION TO
 10:44AM 18 DISMISS SO THAT THERE ISN'T ANY DELAY TIME IN THAT THE WORK HAS
 10:44AM 19 BEEN DONE AND WE ARE READY TO CHARGE FORWARD BECAUSE THIS IS A
 10:44AM 20 VERY SENSITIVE MATTER. WE CAN'T WASTE A SECOND TO HELP THESE
 10:44AM 21 INDIVIDUALS AND TO EFFECTUATE CHANGE IF CHANGE IS POSSIBLE.

10:44AM 22 THE COURT: AND THEN YOU REPRESENT TWO OF THE CASES
 10:44AM 23 OR MORE THAN TWO?

10:44AM 24 MS. PAULOS: TWO OF THE CASES. I DO HAVE -- OUR
 10:45AM 25 FIRM HAS ACTIVELY BEEN INVOLVED FOR SEVERAL MONTHS. I AM

10:45AM 1 ACTIVELY WORKING WITH OTHER FAMILIES CAREFULLY VETTING CASES

10:45AM 2 AND SEEING IF THEY'RE A GOOD FIT FOR THIS LITIGATION, SO I DO

10:45AM 3 ANTICIPATE THAT WE WILL BE FILING MORE CASES IN THE FUTURE.

10:45AM 4 THE COURT: LITIGATION FUNDING?

10:45AM 5 MS. PAULOS: NO LITIGATION FUNDING, YOUR HONOR.

10:45AM 6 THE COURT: COMMITTEE PREFERENCE?

10:45AM 7 MS. PAULOS: COMMITTEE? I WOULD LIKE TO PARTICIPATE

10:45AM 8 ON THE DISCOVERY COMMITTEE AND EXPERT COMMITTEE.

10:45AM 9 THE COURT: OKAY.

10:45AM 10 MS. PAULOS: YOUR HONOR, CAN I JUST RAISE ONE MORE

10:45AM 11 ISSUE?

10:45AM 12 WE DO HAVE A COLLEAGUE WHO IS ON ZOOM, MICHAEL WEINKOWITZ.

10:45AM 13 HE WAS SUPPOSED TO BE HERE IN PERSON. UNFORTUNATELY, HE TESTED

10:45AM 14 POSITIVE FOR COVID.

10:45AM 15 I WOULD JUST LIKE TO RELAY THAT HE IS AVAILABLE IN CASE

10:45AM 16 YOUR HONOR WOULD LIKE TO HAVE HIM RESPOND AS WELL TO HIS

10:45AM 17 APPLICATION FOR LEADERSHIP.

10:46AM 18 THE COURT: OKAY.

10:46AM 19 MS. PAULOS: THANK YOU.

10:46AM 20 THE COURT: NEXT.

10:46AM 21 MR. WARREN: GOOD MORNING, YOUR HONOR.

10:46AM 22 MY NAME IS PREVIN WARREN WITH THE LAW FIRM MOTLEY RICE.

10:46AM 23 IT'S MY PRIVILEGE TO BRING UP THE REAR OF THIS MORNING'S CONGA

10:46AM 24 LINE.

10:46AM 25 I THINK I HAVE THE DISTINCTION OF BEING THE NEWEST MEMBER

1 OF THE PLAINTIFFS' BAR IN THE COURTROOM. AFTER A STINT IN THE
2 FEDERAL GOVERNMENT AND A CLERKSHIP ON THE D.C. CIRCUIT FOR
3 MERRICK GARLAND, I SPENT MOST OF MY CAREER AT A CORPORATE STINT
4 FROM JENNER & BLOCK.

5 THESE CASES AND THE IMPACT THAT THEY'RE HAVING ON KIDS
6 LIKE MY KIDS ARE THE REASON I SWITCHED SIDES AND THE REASON I
7 JOINED MOTLEY RICE.

8 MY HOPE IS THAT MY PERSPECTIVE AS A FORMER BIG LAW PARTNER
9 WILL BRING ADDED DIVERSITY OF EXPERIENCE TO THE PSC, WILL HELP
10 ME WORK WITH MY COLLEAGUES ON THE OTHER SIDE AND IN AS
11 ECONOMICAL AND EXPEDITIOUS MANNER AS POSSIBLE CONSISTENT WITH
12 THE GUIDELINES OF PROFESSIONAL CONDUCT IN THIS COURT.

13 I KNOW HOW TO DESIGN A WINNING LEGAL STRATEGY IN COMPLEX
14 TECH CASES. THAT'S WHAT I DID IN MY LAST JOB. I TRIED AND I
15 WON NINE FIGURE CASES AGAINST TECH GIANTS LIKE GOOGLE,
16 IHEART MEDIA, AND SIRIUSXM, AND I REPRESENTED CORPORATE CLIENTS
17 IN THE TECH SPACE LIKE GENERAL DYNAMICS INFORMATION TECHNOLOGY
18 IN EQUALLY SIGNIFICANT MATTERS.

19 I THINK OUR SIDE CAN PREVAIL ON THIS MDL IF WE KEEP THREE
20 THINGS IN MIND:

21 FIRST ARE CAUSES OF ACTION. WE NEED TO CHART A PATH
22 THROUGH SECTION 230 ON THE ONE HAND, BUT ALSO THE
23 FIRST AMENDMENT ON THE OTHER.

24 THESE ARE NOT CASES ABOUT THE SPEECH OF THIRD PARTIES ON
25 SOCIAL MEDIA PLATFORMS, AND THEY'RE ALSO NOT CASES ABOUT THE

EDITORIAL JUDGMENT OR EXPRESSIONS OF THE DEFENDANTS.

THEY'RE CASES ABOUT BAD CODE, PLAIN AND SIMPLE, AND THE DEFENDANTS' FAILURE TO WARN THE PUBLIC ABOUT THE CONSEQUENCES THAT THAT BAD CODE HAS HAD FOR OUR CHILDREN. MOTLEY RICE'S COMPLAINT ON BEHALF OF NICHOLAS AND ROSEMARY CHOBANI HAS PLED THAT UNEQUIVOCALLY AND ANY MASTER COMPLAINT THAT I'M INVOLVED IN WOULD DO THE SAME.

SECOND, OUR SIDE NEEDS TO STAY FOCUSSED ON THE BIGGER PICTURE, AND THAT'S WHAT THE TEAM OF 20 ATTORNEYS AT MOTLEY RICE AND I HAVE BEEN DOING SINCE WE GOT INVOLVED IN THESE CASES.

WE WERE THE ONLY FIRM GRANTED ACCESS TO THE NORTH LONDON CORONER'S INQUEST OF MOLLY RUSSELL WHICH HELD THAT THAT 14-YEAR-OLD GIRL DIED NOT ONLY BY SUICIDE BUT BY THE CONSEQUENCES OF HER ADDICTION TO SOCIAL MEDIA. THAT GAVE US A VERY UNIQUE OPPORTUNITY TO OBSERVE THAT AS WITNESSES AND SEE EVIDENCE AND WHICH HAS GIVEN US AN ABILITY TO PREPARE FOR THIS CASE.

TO MY KNOWLEDGE, WE'RE ALSO THE ONLY FIRM TO SUCCESSFULLY SUBPOENA THE COMPLETE UNREDACTED SET OF FRANCES HAUGEN'S DOCUMENTS WHICH WERE OBTAINED FROM META, AND WE'RE HOPEFUL THAT WE'LL BE IN THE POSITION TO NEGOTIATE A PROTECTIVE ORDER WITH THE OTHER SIDE AND SHARE THOSE WITH OUR CO-COUNSEL IN THIS CASE AS SOON AS POSSIBLE.

AND THE LAST THING I'LL SAY IS THAT WE ARE LOOKING AHEAD

10:49AM 1 TO DEVELOPMENTS IN THE LAW. I'VE BEEN WORKING TO COORDINATE
10:49AM 2 AMICUS BRIEFING ON BEHALF OF THE PETITIONER IN GONZALEZ VERSUS
10:49AM 3 GOOGLE, WHICH I'M SURE YOUR HONOR KNOWS WILL HAVE A POTENTIAL
10:49AM 4 IMPACT ON THE LAW IN THIS CASE AROUND 230, AND MY EXPECTATION
10:49AM 5 IS THAT THOSE BRIEFS WILL HELP EXPLAIN TO THE SUPREME COURT WHY
10:49AM 6 A TEXTUAL READING OF THAT STATUTE COULD HAVE SERIOUS UNINTENDED
10:49AM 7 CONSEQUENCES FOR OUR KIDS.

10:49AM 8 THE LAST THING I'LL SAY IS THAT I THINK EVERYONE ON OUR
10:49AM 9 SIDE NEEDS TO REMAIN FOCUSSED ON COLLEGIALITY RATHER THAN
10:49AM 10 CONFRONTATION. THIS IS AN EXTRAORDINARILY BIG CASE WITH
10:49AM 11 EXTRAORDINARILY BIG CONSEQUENCES NOT JUST FOR OUR CLIENTS AND
10:49AM 12 OUR KIDS, BUT ALSO POTENTIALLY FOR THE DEFENDANTS. AND I THINK
10:49AM 13 KEEPING TEMPER COOL AND WORKING RESPECTFULLY WITH ONE ANOTHER
10:49AM 14 IS SOMETHING THAT I KNOW HOW TO DO, HAVING WORKED ON THE OTHER
10:50AM 15 SIDE FOR AS LONG AS I DID, AND I'M HOPING TO BRING THAT VIRTUE
10:50AM 16 TO THE TABLE.

10:50AM 17 THE COURT: DO YOU HAVE A REASON TO ANTICIPATE THAT
10:50AM 18 TEMPER -- ARE YOU TALKING ABOUT TEMPER BETWEEN THE SIDES OR
10:50AM 19 WITHIN THE SIDE?

10:50AM 20 MR. WARREN: WELL, I SUPPOSE IT COULD HAPPEN EITHER
10:50AM 21 WAY. I HOPE IT WON'T. BUT I THINK STAYING RESPECTFUL,
10:50AM 22 COLLEGIAL HAS TO BE THE REALM IN HOW WE APPROACH THIS.

10:50AM 23 THE COURT: I HAD A NOTE. I THOUGHT AT ONE POINT, I
10:50AM 24 BELIEVE, YOU WERE APPLYING TO BE A CO-LEAD?

10:50AM 25 MR. WARREN: YOUR HONOR, I THINK MY INITIAL

10:50AM 1 APPLICATION MAY HAVE BEEN AMBIGUOUS ON THAT POINT.

10:50AM 2 AT THIS POINT I'M SEEKING TO SERVE ON THE PSC AND, OF
10:50AM 3 COURSE, WILL SERVE IN WHATEVER CAPACITY THE COURT THINKS IS
10:50AM 4 MOST APPROPRIATE. THAT IS WHAT WE'RE SEEKING. WE DO SUPPORT
10:50AM 5 THE LEADERSHIP STRUCTURE THAT HAS BEEN PUT FORWARD ON A
10:50AM 6 CONSENSUS BASIS, AND I'VE HAD REALLY THE PRIVILEGE OF REALLY
10:50AM 7 WORKING WITH MOST OF THE LAWYERS HERE ON THESE CASES, AND IT'S
10:50AM 8 AN EXCEPTIONALLY TALENTED DIVERSE GROUP.

10:50AM 9 THE COURT: OKAY. SO YOU WERE OR YOU WEREN'T?

10:51AM 10 MR. WARREN: I WAS APPLYING TO BE ON THE PSC BUT
10:51AM 11 ALSO TO SORT OF STATE THAT WHATEVER YOUR HONOR DEEMS
10:51AM 12 APPROPRIATE IS WHAT WE'RE PREPARED TO DO. THESE CASES ARE 80,
10:51AM 13 85 PERCENT OF MY TIME RIGHT NOW.

10:51AM 14 THE COURT: LITIGATION FINANCING?

10:51AM 15 MR. WARREN: NONE, YOUR HONOR.

10:51AM 16 THE COURT: AND THEN WHAT ABOUT COMMITTEES?

10:51AM 17 MR. WARREN: WELL, YOUR HONOR, I THINK THERE WON'T
10:51AM 18 BE A LOT OF WORK FOR THE OTHER COMMITTEES TO DO UNLESS THE
10:51AM 19 MASTER COMPLAINT IS STRUCTURED THE RIGHT WAY AND WE SURVIVE THE
10:51AM 20 MOTION TO DISMISS. I WOULD LIKE TO BE INVOLVED IN THOSE
10:51AM 21 EFFORTS.

10:51AM 22 THE COURT: OKAY.

10:51AM 23 MR. WARREN: THANK YOU, YOUR HONOR.

10:51AM 24 MS. NAPPI: GOOD MORNING, YOUR HONOR.

10:51AM 25 HILLARY NAPPI.

10:51AM 1 THE COURT: GOOD MORNING.

10:51AM 2 MS. NAPPI: FIRST, THANK YOU FOR ALLOWING ME TO
10:51AM 3 SPEAK AND BE HEARD TO DAY. IT'S AN HONOR TO BE IN YOUR
10:51AM 4 COURTROOM AS I'M PRO HAC'D IN.

10:51AM 5 THE COURT: WAIT. WAIT. YOUR NAME AGAIN.

10:52AM 6 MS. NAPPI: HILLARY NAPPI.

10:52AM 7 THE COURT: OKAY. MS. NAPPI, I'LL SAY AS WE START
10:52AM 8 HERE, YOU WEREN'T IN THIS GROUP?

10:52AM 9 MS. NAPPI: NO, YOUR HONOR, I'M NOT.

10:52AM 10 THE COURT: SO GO AHEAD.

10:52AM 11 MS. NAPPI: YOUR HONOR, THE EXPERTISE I'VE HAD IN MY
10:52AM 12 CAREER BOTH WITH COMPLEX LITIGATION AND SPECIFICALLY
10:52AM 13 REPRESENTING CHILD SURVIVORS OF BOTH SEXUAL EXPLOITATION,
10:52AM 14 SPECIFICALLY CSAM, IS EXTREMELY RELEVANT AND WILL BE HELPFUL TO
10:52AM 15 THIS MDL. AND ON BEHALF OF THE PEOPLE THAT I REPRESENT, BOTH
10:52AM 16 THEIR FAMILIES AND THESE CHILDREN, THEY ABSOLUTELY MUST BE
10:52AM 17 HEARD IN THIS LITIGATION.

10:52AM 18 WHILE I UNDERSTAND THAT THE PREDOMINANT ISSUE BEING PUT
10:52AM 19 FORTH IN THIS MDL IS THE ADDICTION COMPONENT, MOST OF THESE
10:52AM 20 CHILDREN WILL HAVE SOME SORT OF CSAM ON THEIR DEVICES, AND IT
10:52AM 21 HAS TO BE ADDRESSED HERE. IT'S PARTICULARLY RELEVANT WITH
10:52AM 22 RESPECT TO THE COMMUNICATIONS DECENCY ACT.

10:52AM 23 THE VIEW THAT I TAKE WITH MY CASES, YOUR HONOR, IS THAT
10:53AM 24 THE CREATION OF CSAM IS AN INJURY AND UNDER THE LAW IT IS AN
10:53AM 25 INJURY.

10:53AM 1 AND IT HAS IMMUNITIES FROM THE COMMUNICATIONS DECENCY ACT.

10:53AM 2 AND, IN FACT, WITH MR. MARSH, WE ARE ARGUING NEXT WEEK BEFORE

10:53AM 3 THE ELEVENTH CIRCUIT IN THE CASE AGAINST OMEGLE FOR THIS EXACT

10:53AM 4 ISSUE.

10:53AM 5 MY FIRM DOES NOT USE LITIGATION FUNDING, AND WHILE I HAVE

10:53AM 6 NOT BEEN APPOINTED TO AN MDL LEADERSHIP POSITION, I HAVE NEVER

10:53AM 7 APPLIED FOR ONE BEFORE, YOUR HONOR. SO, YOU KNOW, I THINK MY

10:53AM 8 EXPERIENCE LEADS TO EXACTLY WHY I'M HERE TODAY.

10:53AM 9 MY FIRM, THOUGH, HAS BEEN INVOLVED IN MDL'S ACROSS THE

10:53AM 10 COUNTRY. THEY HAVE THE FINANCES AND THE SUPPORT AND ARE

10:53AM 11 WILLING TO HIRE INTO THIS CASE BECAUSE WE BELIEVE IN IT.

10:53AM 12 THE THING THAT I CAN TELL YOUR HONOR IS THAT THEY HAVE

10:53AM 13 ALSO COMMITTED RESOURCES TO GUIDE ME TO APPROPRIATELY

10:53AM 14 CONTRIBUTE TO WHATEVER COMMITTEE THIS COURT ASKS ME TO BE PART

10:53AM 15 OF IF THE COURT SEES FIT TO DO SO.

10:53AM 16 IT'S ABSOLUTELY IMPORTANT THAT WE ALL COLLABORATE, AND MY

10:53AM 17 CAREER IN EVERY LITIGATION I'VE PARTICIPATED IN, AND I'VE

10:53AM 18 COLLABORATED AT EVERY LEVEL. PRIOR TO BEING AN ATTORNEY, I WAS

10:54AM 19 A PARALEGAL FOR OVER A DECADE. I WORKED ON COMPLEX CASES

10:54AM 20 ACROSS THE COUNTRY AND TRAVELLED FOR MONTHS AT A TIME GIVING UP

10:54AM 21 MY LIFE. I UNDERSTAND WHAT THE COMMITMENT IS, AND I'M PREPARED

10:54AM 22 TO DO THAT IN ANY ROLE THAT THIS COURT SEES FIT TO APPOINT ME

10:54AM 23 TO.

10:54AM 24 I HAVE WORKED WITH THE LOVELY ATTORNEYS AT THIS TABLE IN

10:54AM 25 COLLABORATING PRIOR TO THE PETITION FOR THE MDL TALKING

1 SPECIFICALLY ABOUT THE EXPERT ISSUES AND THE COMMUNICATIONS
2 DECENCY ACT AND THE ISSUES WE SAW LEGALLY.

3 IF THE COURT WOULD ALLOW ME, I WOULD LOVE TO BE ON A
4 MASTER COMPLAINT COMMITTEE OR ON A LEGAL BRIEFING COMMITTEE. I
5 THINK MY EXPERTISE AND THE KNOWLEDGE THAT I'VE GAINED THROUGH
6 MY CURRENT WORK WOULD HELP, BUT I'D ALSO LIKE TO COLLABORATE ON
7 THE DISCOVERY ISSUES.

8 I THINK YOU'VE HEARD TODAY, YOUR HONOR, THAT THERE ARE
9 SERIOUS CONCERNS ABOUT PRESERVATION, BUT THAT ALSO GOES TO
10 EVERYONE'S OBLIGATION WITH RESPECT TO CSAM.

11 CSAM IS CONTRABAND. WE ALL HAVE AN OBLIGATION ABOUT
12 REPORTING, AND IF THE LAWYERS IN THIS ROOM DON'T DO THAT
13 APPROPRIATELY, WE WILL ALL BE IN A BOWL THAT NO ONE WANTS TO
14 BE.

15 SO IT IS EXTREMELY IMPORTANT THAT EVERYONE HERE MEET AND
16 CONFER AND COLLABORATE, AND I THINK THAT MY EXPERIENCE LEADS TO
17 ME BEING ABLE TO DO THAT SEAMLESSLY.

18 THE COURT: AND DID YOU TALK TO THE GROUP ABOUT
19 BEING ON THE SLATE? AND WHAT IS YOUR UNDERSTANDING ABOUT WHY
20 YOU'RE NOT ON THE SLATE?

21 MS. NAPPI: SO AT ONE POINT, YOUR HONOR, I THINK I
22 WAS GOING TO BE PROPOSED TO BE ON THE SLATE, AND MY
23 UNDERSTANDING WAS THAT THERE WERE CONCERNS ABOUT THE SIZE OF
24 THE SLATE AND EVERYONE WAS TRYING TO NAVIGATE THAT
25 APPROPRIATELY.

10:55AM 1 YOU KNOW, I'M HAPPY TO WEIGH IN. I THINK MY COLLEAGUES
10:55AM 2 HAVE SPOKEN ACCURATELY ABOUT THE NEED OF HAVING EVERYONE COME
10:55AM 3 TO THE TABLE.

10:55AM 4 AND SO I THINK THAT THAT WAS JUST THE ISSUE. YOU KNOW, WE
10:55AM 5 DEFINITELY NEED ALL OF THE RESOURCES THAT WE CAN PUT TOGETHER
10:55AM 6 BECAUSE IT IS VERY COMPLEX.

10:55AM 7 AND, YOU KNOW, EACH INJURY HERE WILL LEAD TO DIFFERENT
10:55AM 8 EXPERTS AND DIFFERENT DISCOVERY ISSUES WHICH HAVE TO BE I THINK
10:55AM 9 ADDRESSED PROPERLY PLEADING A COMPLAINT, AND, OF COURSE,
10:56AM 10 ADDRESSING THOSE ISSUES IN A BRIEFING. EXCUSE ME.

10:56AM 11 THE COURT: OKAY. ANYTHING ELSE YOU WOULD LIKE ME
10:56AM 12 TO KNOW?

10:56AM 13 MS. NAPPI: NO, YOUR HONOR. THANK YOU VERY MUCH FOR
10:56AM 14 ALLOWING ME TO BE HEARD.

10:56AM 15 THE COURT: THANK YOU.

10:56AM 16 MR. MARSH: GOOD MORNING, YOUR HONOR.

10:56AM 17 MY NAME IS JAMES MARSH FOUNDER OF THE MARSH LAW FIRM, AND
10:56AM 18 IT'S AN HONOR TO BE BACK IN NORTHERN CALIFORNIA IN THE OAKLAND
10:56AM 19 COURTHOUSE.

10:56AM 20 I'M HERE PRIMARILY TODAY TO REPRESENT THE INTERESTS OF
10:56AM 21 VICTIMS OF CHILD PORNOGRAPHY OF WHAT WE CALL NOW CSAM,
10:56AM 22 SOMETHING THAT I'VE BEEN DOING FOR 17 YEARS, SINCE 2005.

10:56AM 23 IN ANSWERING YOUR QUESTIONS, I THINK ONE OF THE QUESTIONS
10:56AM 24 THAT YOU POSITED ABOUT INJUNCTIVE RELIEF AND DAMAGES REALLY
10:56AM 25 HASN'T BEEN ADDRESSED BY ANY OF THE APPLICANTS HERE TODAY, BUT

1 I THINK IT'S A VERY IMPORTANT ISSUE, AND I LEND A TREMENDOUS
2 AMOUNT OF EXPERIENCE ON THIS ISSUE, INCLUDING MY CASE IN THE
3 UNITED STATES SUPREME COURT IN UNITED STATES VERSUS PAROLINE,
4 WHICH WAS AN EFFORT TO DETERMINE HOW CHILDREN ARE DAMAGED BY
5 THINGS THAT HAPPEN ONLINE, THINGS THAT HAPPEN ON THE INTERNET.

6 AND I THINK THAT'S GOING TO BE A VERY IMPORTANT ISSUE IN
7 THIS CASE GIVEN, AS YOUR HONOR RECOGNIZED, THE POTENTIAL SIZE
8 OF THE NUMBER OF POTENTIAL PLAINTIFFS AND THE NEED TO REALLY
9 ARTICULATE AND DETERMINE EXACTLY WHAT DAMAGES THOSE INDIVIDUALS
10 HAVE EXPERIENCED.

11 I'VE ALSO BEEN INVOLVED IN ISSUES NOT ONLY OF ISSUES
12 INVOLVING CSAM, CHILDREN VICTIMIZED ON THE INTERNET, BUT ALSO
13 IN THE ISSUE OF SECTION 230.

14 AND AS HILLARY SAID, WE ARE ARGUING THAT CASE NEXT WEEK
15 BEFORE THE ELEVENTH CIRCUIT. IT OVERLAPS A LOT WITH SOME OF
16 THE ISSUES HERE TODAY IN TERMS OF WHETHER SOMETHING IS A
17 PRODUCT, WHETHER SOMETHING IS A SERVICE, AND THE EXTENT AND
18 IMPORTANCE OF A LAW THAT I HELPED WRITE, SECTION 18 U.S.C. 2255
19 DEALING SPECIFICALLY WITH VICTIMS OF CHILD PORNOGRAPHY AND
20 ONLINE EXPLOITATION.

21 IN TERMS OF THE STRUCTURE OF THE LEADERSHIP, I THINK FROM
22 MY PERSPECTIVE, IT'S MORE IMPORTANT WHO YOU CHOOSE THAN HOW
23 MANY PEOPLE YOU CHOOSE. I KNEW WHICH TWO WOMEN I WOULD CHOOSE
24 FOR LEADERSHIP. I DON'T KNOW THEM PERSONALLY, BUT I HAVE HEARD
25 THEM IN COURT, AND I'VE BEEN VERY IMPRESSED WITH THEIR

10:58AM 1 RESPONSES.

10:58AM 2 IN TERMS OF LITIGATION FUNDING, WE DON'T HAVE ANY
10:58AM 3 LITIGATION FUNDING IN OUR FIRM, AND I'M VERY HAPPY TO DEVOTE
10:58AM 4 THE RESOURCES OF MY FIRM TO THIS CASE.

10:58AM 5 THE COURT: AND YOU SAID NO LITIGATION FUNDING,
10:58AM 6 RIGHT?

10:58AM 7 MR. MARSH: NO, WE DO NOT.

10:58AM 8 THE COURT: SO YOU'VE WORKED WITH MS. NAPPI?

10:58AM 9 MR. MARSH: I DO WORK VERY CLOSELY WITH MS. NAPPI
10:58AM 10 AND HER FIRM, YES.

10:58AM 11 THE COURT: ANY ISSUES WORKING WITH THEM?

10:58AM 12 MR. MARSH: I DON'T HAVE ANY ISSUES WORKING WITH
10:58AM 13 ANYONE, YOUR HONOR.

10:58AM 14 AT ONE POINT IN TIME IN WORKING ON SECTION 2255 IN
10:59AM 15 CONGRESS, I WAS ASKED TO BRIDGE THE GAP BETWEEN THE REPUBLICANS
10:59AM 16 AND THE DEMOCRATS, AND WE PASSED A UNANIMOUS BILL. SO I THINK
10:59AM 17 IF I CAN WORK WITH THE DEMOCRATS AND THE REPUBLICANS AND THE
10:59AM 18 REPUBLICANS OF THE HOUSE AND THE REPUBLICANS OF THE SENATE, I
10:59AM 19 COULD PROBABLY WORK WITH JUST ABOUT ANYONE IN THIS ROOM
10:59AM 20 INCLUDING DEFENSE COUNSEL.

10:59AM 21 (LAUGHTER.)

10:59AM 22 THE COURT: MAYBE YOU SHOULD HAVE STARTED THERE.

10:59AM 23 MR. MARSH: I'M SORRY?

10:59AM 24 THE COURT: YOU SHOULD HAVE STARTED WITH THAT.

10:59AM 25 (LAUGHTER.)

10:59AM 1 MR. MARSH: I WILL ALSO ADD AN INTERESTING ASIDE,
10:59AM 2 THAT MY FIRST TRIAL WAS BEFORE JUDGE JUDY, SO THAT IS ANOTHER
10:59AM 3 DISTINCT, I GUESS, BENEFIT I HAVE IN DEALING WITH LITIGATION
10:59AM 4 LIKE THIS SO.

10:59AM 5 (LAUGHTER.)

10:59AM 6 THE COURT: ALL RIGHT. THANK YOU, SIR.

10:59AM 7 MR. MARSH: THANK YOU VERY MUCH.

10:59AM 8 MR. TELLIS: GOOD MORNING, YOUR HONOR.

10:59AM 9 ROLAND TELLIS WITH BARON BUDD.

10:59AM 10 THE COURT: MR. TELLIS, YOU'RE THE ONLY ONE OF THESE
10:59AM 11 PEOPLE WHO I KNOW.

10:59AM 12 MR. TELLIS: IT'S A PLEASURE TO BE BACK IN YOUR
11:00AM 13 COURTROOM AGAIN. I HOPE YOU FEEL THE SAME WAY.

11:00AM 14 THE COURT: I LIKE TO BE IN MY COURTROOM.

11:00AM 15 MR. TELLIS: I HAVE APPLIED FOR A POSITION ON THE
11:00AM 16 PLAINTIFFS' STEERING COMMITTEE, YOUR HONOR. MY APPLICATION
11:00AM 17 ADDRESSES THE CRITERIA THAT YOUR HONOR ARTICULATED FOR
11:00AM 18 MEMBERSHIP. IN A NUTSHELL, I HAVE THE COMPLEX LITIGATION
11:00AM 19 EXPERIENCE, I HAVE THE TIME, AND I'M A TEAM PLAYER.

11:00AM 20 THE COURT: MR. TELLIS, TELL ME ABOUT WHAT IS
11:00AM 21 HAPPENING WITH YOUR ROLE ON THE OPIOID LITIGATION AND IF THAT
11:00AM 22 IS STILL ONGOING.

11:00AM 23 MR. TELLIS: SURE.

11:00AM 24 MY ROLE STARTED -- I HAD THE FORTUNE, OR PERHAPS THE
11:00AM 25 MISFORTUNE, OF PETITIONING TO FORM THAT MDL AND IT HAS BEEN A

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SUCCESS I HOPE.

I WAS PRIMARILY INVOLVED IN DISTRIBUTOR LITIGATION, WHICH HAS SINCE SETTLED. SINCE THEN MEMBERS OF MY FIRM HAVE BEEN INVOLVED IN BELLWETHER TRIALS IN THE PHARMACY DEPENDENT AND SO FORTH, BUT MY ROLE WAS PRIMARILY ON THE DISTRIBUTOR WHICH HAS SETTLED.

THE COURT: OKAY.

MR. TELLIS: I'VE BEEN PRACTICING FOR 27 YEARS. YOUR HONOR HAD A CHANCE TO VIEW MY LITIGATION ABILITIES IN THE CASE THAT SPANNED YEARS AND HAD A SUCCESSFUL ENDING.

I DON'T HAVE SOCIAL MEDIA EXPERIENCE PER SE, BUT THAT WAS TRUE WHEN THE COURTS APPOINTED ME TO LEAD DEFECTIVE AIRBAG CASES, AND METHANE GAS CASES, COLLATERAL INSURANCE CASES, AND WE EXTRACTED BILLIONS FOR CONSUMERS.

I'D BE HONORED TO BE SELECTED BY THE COURT. I WILL SERVE ON ANY SUBCOMMITTEE THAT YOUR HONOR THINKS I SHOULD, ALTHOUGH IF I HAD A PREFERENCE, I WOULD BE INVOLVED IN LAW AND BRIEFING AND DISCOVERY OR EXPERTS.

THE COURT: HOW DID YOU GET INVOLVED, MR. TELLIS, IN THIS PARTICULAR CASE?

MR. TELLIS: I WAS APPROACHED BY THE LIEFF CABRASER FIRM. OUR FIRMS HAVE A CLOSE WORKING RELATIONSHIP.

THIS ISSUE IS EQUALLY IMPORTANT TO ME. SOCIAL MEDIA HAS PERMEATED OUR LIVES. IT HAS ITS POSITIVES, BUT IT CERTAINLY HAS ITS NEGATIVES.

11:02AM 1 WHEN I READ ABOUT THE WHISTLEBLOWER ALLEGATIONS INVOLVING
11:02AM 2 META AND THINKING ABOUT MY OWN TEENAGE DAUGHTER, I FELT LIKE I
11:02AM 3 HAD TO GET INVOLVED.

11:02AM 4 THE COURT: OKAY. NO LITIGATION FINANCING?

11:02AM 5 MR. TELLIS: NO LITIGATION FINANCING, YOUR HONOR.

11:02AM 6 THE COURT: HOW MANY CASES HAVE YOU TRIED IN THIS
11:02AM 7 DISTRICT?

11:02AM 8 MR. TELLIS: ZERO.

11:02AM 9 THE COURT: ANYWHERE ELSE?

11:02AM 10 MR. TELLIS: AS A DEFENSE LAWYER, I TRIED CASES IN
11:02AM 11 LOS ANGELES WHERE I AM BASED, SEVERAL TO VERDICT. BUT I HAVE
11:02AM 12 NEVER TRIED A CASE IN THE NORTHERN DISTRICT, BUT I'VE BEEN
11:02AM 13 APPOINTED BY COURTS HERE TO VARIOUS STEERING COMMITTEE
11:02AM 14 INCLUDING JUDGE BREYER IN THE VOLKSWAGEN DIESEL CASE, JUDGE
11:02AM 15 CHEN IN A SIMILAR CASE INVOLVING AUDI, FIAT AUDI.

11:02AM 16 AND I'VE BEEN APPOINTED BY THE COURTS IN SOUTHERN
11:02AM 17 CALIFORNIA, THE CENTRAL DISTRICT, CO-LEAD AND MEMBERS OF THE
11:03AM 18 PLAINTIFFS' STEERING COMMITTEE, BUT I'VE NEVER TRIED A CASE IN
11:03AM 19 THE NORTHERN DISTRICT.

11:03AM 20 THE COURT: HOW MANY JURY TRIALS TOTAL?

11:03AM 21 MR. TELLIS: THREE. SEVERAL ARBITRATIONS.

11:03AM 22 THE COURT: YES. A JURY TRIAL IS A LITTLE BIT
11:03AM 23 DIFFERENT.

11:03AM 24 MR. TELLIS: A LITTLE BIT DIFFERENT.

11:03AM 25 THE COURT: OKAY. THANK YOU.

11:03AM 1 MR. TELLIS: THANK YOU.

11:03AM 2 THE COURT: DO I HAVE EVERYBODY?

11:03AM 3 MR. VANZANDT: YOUR HONOR, MAY I ADDRESS ONE THING?

11:03AM 4 JOSEPH VANZANDT.

11:03AM 5 I FAILED TO MENTION WHEN I WAS UP HERE THAT BEASLEY ALLEN
11:03AM 6 DOES NOT USE LITIGATION FINANCING. I JUST WANTED TO MAKE SURE
11:03AM 7 THAT WAS ON THE RECORD.

11:03AM 8 MS. ZIMMERMAN: YOUR HONOR, IF I MAY, NOR DOES
11:03AM 9 DICELLO, LEVITT. I'M TRYING TO SAVE TIME, YOUR HONOR. AND
11:03AM 10 DICELLO, LEVITT DOES NOT USE LITIGATION FINANCING FOR THIS
11:03AM 11 CASE. THANK YOU.

11:03AM 12 THE COURT: MR. GARCIA, DO YOU HAVE ACCESS TO THIS
11:04AM 13 OTHER PERSON OR NOT?

11:04AM 14 THE CLERK: SO THE ZOOM IS UP RIGHT NOW, BUT I CAN
11:04AM 15 CHECK IF HE'S IN THERE.

11:04AM 16 THE COURT: ALL RIGHT. WHY DON'T YOU FIND HIM
11:04AM 17 DURING THE BREAK.

11:04AM 18 MR. AUSTIN: GOOD MORNING, YOUR HONOR.

11:04AM 19 MAY IT PLEASE THE COURT, RON AUSTIN.

11:04AM 20 THE COURT: OH, I DIDN'T HAVE YOU YET. GO AHEAD.

11:04AM 21 MR. AUSTIN: BY WAY I GUESS OF THE LEADERSHIP
11:04AM 22 STRUCTURE, I DO BELIEVE THAT THE LEADERSHIP STRUCTURE THAT WE
11:04AM 23 HAVE IN PLACE THAT IS PROPOSED IS NECESSARY AND ACTUALLY BY WAY
11:04AM 24 OF COMMENTING, IT PROBABLY CAN EXPAND TO A LEADERSHIP
11:04AM 25 DEVELOPMENT COMMITTEE. MOST TIMES YOUNG LAWYERS OR LAWYERS WHO

1 ARE LEFT ON THE OUTSIDE OF THE MDL'S NEVER HAVE AN OPPORTUNITY
2 TO PARTICIPATE, AND SO ACTUALLY A LEADERSHIP DEVELOPMENT
3 COMMITTEE PROBABLY WOULD BE HELPFUL HERE AS WELL AS THE
4 PROPOSED 20 OR 21 OR 22 SLATES OF PEOPLE JUST BECAUSE OF THE
5 SIZE AND THE MAGNITUDE OF THIS LITIGATION. SO FROM THAT
6 STANDPOINT, I WOULD SUPPORT A LARGER RATHER THAN SMALLER SLATE.

7 I DON'T USE LITIGATION FUNDING. I HAVE TRIED SEVERAL JURY
8 TRIALS, TWO VERDICTS AND INCLUDING ONE AGAINST EXXON MOBILE IN
9 2001 FOR OVER A BILLION DOLLARS, AND IT WAS AN ENVIRONMENTAL
10 CASE.

11 I THINK YOUR HONOR ENJOYS OR INTENDS TO PROMOTE DIVERSITY.
12 I'M A BLACK MAN, OWN MY OWN FIRM. MY FIRM IS RELATIVELY
13 DIVERSE INCLUDING ONE OF OUR MAIN GUYS INSIDE OF OUR MASS TORTS
14 IS A PUERTO RICAN YOUNG MAN, I HAVE A COLUMBIAN WOMAN, AND THE
15 WOMAN WHO MANAGES MY FIRM IS A BLACK FEMALE, AND MY CHIEF LEGAL
16 OFFICER IS A WHITE FEMALE, ALL SUPPORT OF MY MASS TORTS AND OUR
17 CLASS ACTION SECTION.

18 THE COURT: AND DO YOU HAVE -- I SEE IN YOUR
19 APPLICATION THAT YOU'RE LEAD COUNSEL IN A NUMBER OF MASS TORTS.

20 DO YOU HAVE TIME TO FOCUS ON THIS ONE?

21 MR. AUSTIN: I BELIEVE I DO, YOUR HONOR. I WOULD
22 NOT STAND BEFORE YOUR HONOR AND ASK FOR PERMISSION TO
23 PARTICIPATE IN THIS LITIGATION IF I DID NOT.

24 THE COURT: WELL, A LOT OF TIMES WHAT I SEE ARE
25 PEOPLE WHO DON'T ACTUALLY HAVE AS MUCH TIME, AND THEN THEY WANT

11:06AM 1 TO GIVE THE FIRM CREDIT FOR IT, AND IT DOESN'T MATTER SO MUCH
 11:06AM 2 IF YOU'RE RUNNING YOUR FIRM AND THEN FEED IT DOWN THE CHAIN.

11:06AM 3 I'M INTERESTED TO KNOW WHO HAS GOT ACTUAL TIME VERSUS --

11:06AM 4 MR. AUSTIN: I'M BOOTS ON THE GROUND, YOUR HONOR.
 11:06AM 5 I'M A MASSIVE TRIAL GUY, AND I ENJOY THE WORK. AND FOR THOSE
 11:06AM 6 WHO HAVE WORKED WITH ME KNOW THAT I'M PRESENT AND IN IT.

11:06AM 7 THE COURT: AND HOW DID YOU GET INVOLVED IN THIS
 11:06AM 8 LITIGATION?

11:06AM 9 MR. AUSTIN: SOMEONE APPROACHED ME, A POTENTIAL
 11:06AM 10 CLIENT APPROACHED ME ABOUT DIFFICULTIES THAT THEY WERE HAVING
 11:06AM 11 WITH THEIR CHILD. AND WE SOUGHT A SOMEWHAT DISMISSIVE --
 11:06AM 12 ACTUALLY, JOSEPH VANZANDT, I CALLED HIM FROM BEASLEY ALLEN, AND
 11:06AM 13 WE JUST STARTED TALKING ABOUT IT, AND THIS IS A LITIGATION THAT
 11:06AM 14 WE'RE PUTTING TOGETHER NOW, AND SO THAT WAS SORT OF MY ENTRE
 11:07AM 15 INTO IT.

11:07AM 16 THE COURT: OKAY. THANK YOU, SIR.

11:07AM 17 MR. AUSTIN: THANK YOU.

11:07AM 18 MS. WALSH: YOUR HONOR, I THINK I HAVE THE DISTINCT
 11:07AM 19 PLEASURE OF BEING LAST BUT HOPEFULLY NOT LEAST.

11:07AM 20 MY NAME IS ALEXANDRA WALSH OF WALSH LAW FROM WASHINGTON,
 11:07AM 21 D.C. AND THANK YOU FOR HAVING US ALL HERE TODAY AND TAKING THE
 11:07AM 22 TIME THAT YOU'RE TAKING TO HEAR FROM EACH OF US.

11:07AM 23 LIKE MR. WARREN, WHO YOU HEARD FROM PREVIOUSLY, I AM A
 11:07AM 24 FORMER DEFENSE LAWYER. I'VE SPENT 20 YEARS ON THE DEFENSE
 11:07AM 25 SIDE. I'VE WORKED WITH MANY OF THE FIRMS AND MY COLLEAGUES

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SITTING TO MY RIGHT.

I ALSO HAVE LITIGATED WITH AND ALSO AGAINST MANY OF MY FRIENDS SITTING BEHIND ME.

I ALSO JOIN MR. WARREN IN SAYING THAT THIS LITIGATION AND THE OPPORTUNITY TO PARTICIPATE IN THIS LITIGATION EPITOMIZES WHY I MADE THE DECISION TWO YEARS AGO TO LEAVE BIG LAW AND START MY OWN FIRM.

I GOT INVOLVED IN THE LITIGATION BECAUSE I HAVE VERY GOOD FRIENDS AT BEASLEY ALLEN, AND I WAS CONTACTED BY MR. VANZANDT ABOUT GETTING INVOLVED.

I'M THE MOTHER OF FOUR CHILDREN, INCLUDING THREE TEENAGE GIRLS, AND I'VE SEEN FIRST HAND THE EFFECTS OF SOCIAL MEDIA PARTICULARLY DURING THE COVID PERIOD.

I FEEL STRONGLY THAT I COULD CONTRIBUTE MEANINGFULLY TO THIS LITIGATION, INCLUDING BECAUSE OF MY DEFENSE BACKGROUND, AND MY ABILITY TO UNDERSTAND THE CHALLENGES THAT EXIST HERE.

MY MAIN EXPERTISE THAT I WOULD OFFER TO THIS LITIGATION, I AM A TRIAL LAWYER, I'M A FIRST YEAR TRIAL LAWYER, BUT I ALSO HAVE EXTENSIVE BACKGROUND AND EXPERTISE IN LAW AND BRIEFING, AND I BELIEVE VERY STRONGLY AND I THINK THAT MY SUCCESS HAS BEEN INFORMED BY THE FACT THAT I BRING THOSE TWO AREAS OF EXPERTISE TOGETHER.

I THINK THE LEADERSHIP STRUCTURE THAT HAS BEEN PROPOSED IN SIZE IS CRITICAL, AND THAT RELATES TO THE POINT THAT I JUST MADE. THERE WILL BE A LOT OF WORK TO BE DONE TO CRAFT THIS

11:09AM 1 MASTER COMPLAINT. THERE WILL BE A LOT OF WORK THAT WILL BE
11:09AM 2 DONE IN THE MOTIONS PRACTICE, BUT IT'S CRITICAL THAT THE PEOPLE
11:09AM 3 WHO WILL BE TRYING THESE CASES AND UNDERSTAND HOW THEY NEED TO
11:09AM 4 BE TRIED HAVE A HAND IN THAT AND HAVE CONTRIBUTED TO THAT. I
11:09AM 5 WOULD LIKE, IF APPOINTED, TO BE PART OF BOTH OF THOSE EFFORTS.

11:09AM 6 I CLERKED FOR JUDGE GARLAND, AGAIN, LIKE MR. WARREN. I
11:09AM 7 ALSO CLERKED FOR RETIRED JUSTICE STEPHEN BREYER. I THINK THAT
11:10AM 8 GIVES ME AN ABILITY TO HELP CONFRONT THE VERY INTENSE LEGAL
11:10AM 9 ISSUES THAT EXIST HERE.

11:10AM 10 I UNDERSTAND HOW THE APPELLATE PROCESS WORKS. I
11:10AM 11 UNDERSTAND HOW THE SUPREME COURT IS LIKELY TO ADDRESS ISSUES
11:10AM 12 LIKE THESE, AND I WOULD LIKE TO BE PART OF THE PROCESS OF
11:10AM 13 CRAFTING THE COMPLAINT TO BE PREPARED TO WITHSTAND WHAT IS AN
11:10AM 14 ALMOST INEVITABLE APPEAL, BUT I FEEL REALLY STRONGLY THAT THE
11:10AM 15 TRIAL TEAMS THAT I HOPE TO BE A PART OF PRESENTING TO THE JURY
11:10AM 16 BE REFLECTED IN THOSE EARLY PROCESSES AS WELL.

11:10AM 17 I WOULD ADD THAT I UNDERSTAND THE COURT'S COMMITMENT TO
11:10AM 18 DIVERSITY, AND I RESPECT IT VERY MUCH. A LARGE PART OF MY
11:10AM 19 PRACTICE ON THE DEFENSE SIDE WAS HELPING TO PROMOTE DIVERSITY.
11:10AM 20 A BIG PART OF THE REASON THAT I -- BEFORE I MADE MY SWITCH TO
11:10AM 21 THE PLAINTIFFS' SIDE, I ACTUALLY LEFT BIG LAW WITH MY PARTNER,
11:10AM 22 BETH WILKINSON, TO FORM WILKINSON WALSH, AND A HUGE REASON THAT
11:11AM 23 WE DID THAT WAS THAT WE UNDERSTOOD WHILE ALL OF THE EFFORTS
11:11AM 24 THAT BIG LAW MAKES TO PROMOTE YOUNGER LAWYERS AND DIVERSE
11:11AM 25 LAWYERS, THERE ARE CERTAIN SYSTEMIC INSTITUTIONAL ISSUES WITH

11:11AM 1 BIG LAW FIRMS THAT MAKE THAT VERY DIFFICULT TO ACCOMPLISH, AND
11:11AM 2 WE DECIDED THAT IT WAS IMPORTANT TO US TO LEAVE THE COMFORTS OF
11:11AM 3 A BIG POWERFUL LAW FIRM AND START OUR OWN FIRM SO THAT WE COULD
11:11AM 4 STRUCTURE OUR PRACTICE AND STRUCTURE OUR BUSINESS IN A WAY THAT
11:11AM 5 ALLOWED US TO PROMOTE THE NEXT GENERATION OF TRIAL LAWYERS,
11:11AM 6 INCLUDING WOMEN TRIAL LAWYERS AND INCLUDING DEFENSE TRIAL
11:11AM 7 LAWYERS, AND THE SUCCESS THAT WE HAD IN THAT ARENA WILL ALWAYS
11:11AM 8 BE ONE OF MY GREATEST ACCOMPLISHMENTS PROFESSIONALLY.

11:11AM 9 I HAVE HUGE RESPECT FOR THE PLAINTIFFS' BAR, PARTICULARLY
11:11AM 10 -- I HAD IT BEFORE I LEFT, BEFORE I LEFT BIG LAW AND JOINED
11:11AM 11 THIS BAR. IT HAS MULTIPLIED TREMENDOUSLY SINCE I CAME TO THIS
11:12AM 12 SIDE, BUT I THINK THAT EVERY -- ALL OF MY FRIENDS ON THIS SIDE
11:12AM 13 WOULD AGREE THAT THE PLAINTIFFS' BAR HAS WORK TO DO IN TERMS OF
11:12AM 14 DIVERSITY, RACIAL DIVERSITY, GENDER DIVERSITY, SEXUAL
11:12AM 15 ORIENTATION DIVERSITY ACROSS THE GAMUT.

11:12AM 16 MY FIRM, WHICH IS RUN BY ME, I HAVE ONE PARTNER WHO IS
11:12AM 17 ALSO A WOMAN, WE ARE COMMITTED TO BRINGING SOME OF THE LESSONS
11:12AM 18 THAT WE LEARNED FROM PROMOTING DIVERSITY ON THE DEFENSE SIDE TO
11:12AM 19 THE PLAINTIFFS' SIDE.

11:12AM 20 AND I KNOW THAT THAT IS SHARED BY MANY OF MY COLLEAGUES ON
11:12AM 21 THIS SIDE AS WELL.

11:12AM 22 MR. WEINKOWITZ, WHO UNFORTUNATELY TESTED POSITIVE FOR
11:12AM 23 COVID AND I HOPE WILL HAVE A CHANCE TO ADDRESS THE COURT, I
11:12AM 24 LITIGATED AGAINST HIM IN A LARGE MDL INVOLVING XARELTO, AND WE
11:12AM 25 WERE FIERCE ADVOCATES. WE BOTH ADVOCATED ZEALOUSLY FOR OUR

11:12AM 1 CLIENTS, BUT WE ALWAYS HAD PROFESSIONALISM AND COURTESY WAS A
11:13AM 2 HUGE PART OF OUR RELATIONSHIP, AND WE HAD A CHANCE TO TALK
11:13AM 3 ABOUT ISSUES THAT WERE IMPORTANT TO US, AND ONE OF THOSE WAS
11:13AM 4 DIVERSITY.

11:13AM 5 SO I KNOW FIRST HAND THAT THERE'S A COMMITMENT TO THAT
11:13AM 6 AMONG THIS GROUP HERE, AND IF APPOINTED, I COMMIT TO THIS COURT
11:13AM 7 THAT I WILL PAY FORWARD THE MENTORING AND THE SUPPORT THAT I
11:13AM 8 RECEIVED AS A YOUNG LAWYER THAT ALLOWED ME TO ACHIEVE MY DREAM
11:13AM 9 OF BEING A FIRST CHAIR TRIAL LAWYER TO THE YOUNGER LAWYERS WHO
11:13AM 10 I KNOW WILL BE CRITICAL IN MOVING THIS LITIGATION FORWARD.

11:13AM 11 YOUR HONOR, I ALSO FUND MY LAW FIRM MYSELF. I HAVE TRIED
11:13AM 12 A CASE HERE IN THE NORTHERN DISTRICT OF CALIFORNIA. I TRIED A
11:13AM 13 CASE IN FRONT OF JUDGE ORRICK SHORTLY BEFORE THE PANDEMIC.

11:13AM 14 THE COURT: OKAY. THANK YOU.

11:13AM 15 MS. WALSH: THANK YOU, YOUR HONOR.

11:14AM 16 THE COURT: CAN WE GET HIM ON?

11:14AM 17 THE CLERK: I SEE HIM ON, BUT I HAVE TO REBOOT THE
11:14AM 18 SYSTEM.

11:14AM 19 THE COURT: ALL RIGHT. WE'LL GO AHEAD AND REBOOT,
11:14AM 20 AND WE WILL BREAK AND START AT 11:30. SO WE WILL START
11:14AM 21 PROMPTLY AT 11:30, SO DO NOT GO FAR. THANK YOU.

11:14AM 22 (RECESS FROM 11:14 A.M. UNTIL 11:30 A.M.)

11:30AM 23 THE COURT: WE'RE BACK ON THE RECORD.

11:30AM 24 THE RECORD WILL REFLECT THAT THE COURT BELIEVES EVERYONE
11:30AM 25 IS HERE. I'M NOT TAKING ROLL CALL.

1 I HAVE ONE MORE PERSON WHO WOULD LIKE TO BE CONSIDERED WHO
2 IS ON ZOOM, MR. WEINKOWITZ.

3 MR. WEINKOWITZ: YES, YOUR HONOR. GOOD MORNING,
4 YOUR HONOR. THANK YOU FOR ALLOWING ME TO APPEAR BY ZOOM. I
5 TESTED POSITIVE FOR COVID YESTERDAY. I INTENDED TO BE THERE
6 LIVE, BUT I THOUGHT IT WISE NOT TO COME.

7 I'M A PARTNER AT LEVIN, SEDRAN AND BERGMAN IN
8 PHILADELPHIA, PENNSYLVANIA. WHAT I WOULD LIKE TO DO IS START
9 WITH, IS TO TELL YOU WHY I THINK THIS CASE IS IMPORTANT AND WHY
10 I WANT TO BE INVOLVED.

11 THIS CASE IS ABOUT ADOLESCENTS WHO ARE VICTIMS OF A
12 SEEMINGLY INNOCUOUS AND SOMEWHAT UBIQUITOUS PRODUCT, ONE THAT
13 CAN CAUSE GREAT HARM. I HAVE A NINE-YEAR-OLD DAUGHTER WHO WILL
14 SOON BE IN ADOLESCENCE. IN MANY WAYS, SHE ALREADY IS IN
15 ADOLESCENCE. BUT BEFORE I LEARNED WHAT I NOW KNOW FOR
16 INVESTIGATING AND BEING INVOLVED IN THIS CASE, I MIGHT HAVE
17 ALLOWED HER TO USE SOCIAL MEDIA MUCH EARLIER THAN I WILL NOW.

18 HER FRIENDS ARE STARTING TO USE IT. SHE COMES HOME, SHE
19 ASKS, I RESIST. SHE ASKS FIVE MORE TIMES. SHE ASKS MY
20 HUSBAND. WE RESIST.

21 THIS LITIGATION IS IMPORTANT BECAUSE PARENTS DON'T KNOW
22 WHAT WE KNOW, WHAT THE PEOPLE IN THE COURTROOM KNOW, AND IN MY
23 MIND THIS IS A PUBLIC HEALTH, MENTAL HEALTH ISSUE THAT I HOPE
24 TO BE PART OF THE SOLUTION.

25 MY CURRENT -- MY FIRM CURRENTLY HAS THREE CASES ON FILE,

1 YOUR HONOR, AND WE REPRESENT A GROWING NUMBER OF PLAINTIFFS,
2 MANY OF WHOM ARE LGBTQ YOUTH.

3 AS A MEMBER OF THAT COMMUNITY, I BELIEVE I'M IN A UNIQUE
4 POSITION OF UNDERSTANDING THE NEEDS OF THE LGBTQ PLAINTIFFS
5 THAT WILL BE INVOLVED IN THIS CASE.

6 I HAVE HAD THE HONOR OF WORKING WITH MANY OF THE LAWYERS
7 THAT ARE BEFORE YOU TODAY. SOME WITH MR. SEEGER. I THINK THE
8 FIRST LITIGATION I WORKED WITH MR. SEEGER WAS THE PPA
9 LITIGATION. I WAS A YOUNG ATTORNEY IN THE TRENCHES. HE WAS MY
10 BOSS.

11 ALEX WALSH, WHO YOU JUST HEARD FROM, SHE WAS ONE OF THE
12 TOUGHEST ADVERSARIES THAT I'VE EVER FACED IN A VERY HARD FOUGHT
13 LITIGATION WHERE I WAS HONORED TO BE THE LEAD IN THE XARELTO
14 STATE COURT LITIGATION. WE ZEALOUSLY FOUGHT AGAINST EACH
15 OTHER. I'M GLAD NOW THAT ALEX IS A PLAINTIFFS' LAWYER.

16 AS SHE SAID, WE WERE PROFESSIONAL, WE WERE ABLE TO RESOLVE
17 MANY ISSUES TOGETHER, AND I HOPE TO BE ABLE TO CONTRIBUTE THAT.

18 SHOULD I BE SO LUCKY TO BE APPOINTED BY YOUR HONOR, I LOOK
19 FORWARD TO WORKING WITH THOSE THAT I HAVEN'T WORKED WITH THAT
20 MIGHT BE ON THE TEAM.

21 MY BACKGROUND AND HOW I THINK I CAN CONTRIBUTE TO THIS
22 CASE. I THINK THIS IS A VERY COMPLEX CASE. IT HAS GOT VERY
23 WELL FINANCED DEFENDANTS ON THE OTHER SIDE, AND IT REQUIRES A
24 HIGHLY ORGANIZED AND EXPERIENCED LEADERSHIP TEAM.

25 TO YOUR FIRST QUESTION, YOUR HONOR, WHICH IS WHY SHOULD I

1 APPOINT SUCH A LARGE TEAM UP-FRONT? MAYBE I SHOULD WAIT.

2 I THINK IT'S VERY, VERY IMPORTANT FOR HAVING A COHESIVE
3 TEAM ON THE GROUND READY TO GO RIGHT AWAY.

4 THERE'S A LOT OF WORK THAT GOES ON BEHIND THE SCENES EVEN
5 WHEN A MASTER COMPLAINT IS BEING DRAFTED, EVEN WHEN A MOTION TO
6 DISMISS IS BEING DRAFTED, AND I THINK THAT IT BENEFITS BOTH
7 PARTIES, THE DEFENSE TO HAVE A TEAM IN PLACE RIGHT AWAY READY
8 TO GO THE MOMENT THAT I HOPE YOU DENY THE MOTION TO DISMISS.
9 VERY IMPORTANT, I THINK, PARTICULARLY, SINCE WE'RE ALL FROM
10 DIFFERENT LAW FIRMS, THAT COHESION IS ABSOLUTELY ESSENTIAL, AND
11 I HAVE BEEN INVOLVED IN A LOT OF MDL CASES AND STATE COURT
12 CASES, AND THAT REALLY IS, I THINK, VERY, VERY IMPORTANT.

13 WHAT CAN I CONTRIBUTE? I HAVE 20 YEARS OF EXPERIENCE
14 WORKING IN MASS TORT ARENAS BOTH IN MASS MDL'S AND STATE COURT.

15 I WOULD BRING TO THIS CASE, I HOPE, EXPERIENCES FOR EVERY
16 FACET. I'VE WORKED ON SCIENCE COMMITTEES DEVELOPING EXPERTS,
17 I'VE WORKED ON BELLWETHER COMMITTEES SELECTING CASES, I'VE LED
18 DISCOVERY COMMITTEES, I'VE TAKEN KEY DEPOSITIONS OF COMPANY
19 WITNESSES. THOSE DEPOSITIONS HAVE BEEN PLAYED AT TRIAL IN MANY
20 MDL CASES.

21 I HAVE BEEN ON MANY BELLWETHER TRIAL TEAMS IN VARIOUS
22 CAPACITIES, AND I'VE HAD THE HONOR TO BE APPOINTED ON SEVERAL
23 SETTLEMENT TEAMS THAT HAVE NEGOTIATED AND IMPLEMENTED VERY
24 LARGE GLOBAL SETTLEMENTS.

25 ONE OF THE THINGS I DEVELOPED AN EXPERTISE IN AS A RESULT

1 OF BEING APPOINTED TO BE A LEADER IN MASS TORTS IN STATE COURT
2 IS WORKING WITH MDL LAWYERS. SOMETIMES STATE LAWYERS AND MDL
3 LAWYERS HAVE VERY DIVERGING INTERESTS AND BEING A LEADERSHIP IN
4 A STATE COURT WORKING WITH AN MDL COURT DEALING WITH
5 PLAINTIFFS' LAWYERS THAT HAVE DIVERGING INTERESTS IS SOMETHING
6 THAT IS DIFFICULT TO DO AT TIMES.

7 I CURRENTLY SERVE ON THE PSC IN THE JUUL LITIGATION BEFORE
8 JUDGE ORRICK. THERE I AM CO-CHAIR OF DISCOVERY, AND I AM CHAIR
9 OF THE LONG BRIEFING COMMITTEE.

10 THE COURT: SO LET ME INTERRUPT YOU BECAUSE THAT'S
11 THE QUESTION I HAD ABOUT YOUR APPLICATION. AND IF YOU'VE BEEN
12 LISTENING, IT'S NOT GOING TO BE A SURPRISE, WHICH IS, HOW DO
13 YOU HAVE THE TIME IN LIGHT OF THE JUUL LITIGATION STILL GOING
14 ON?

15 MR. WEINKOWITZ: I'VE THOUGHT ABOUT THIS A LOT, AND
16 I WOULDN'T HAVE APPLIED TO THIS CASE, APPLIED TO BE A MEMBER OF
17 THE LEADERSHIP IN THIS CASE IF I DIDN'T THINK THAT I HAD THE
18 TIME.

19 CASES HAVE LIFECYCLES. I BELIEVE THAT THE JUUL LIFECYCLE,
20 THE JUUL CASE IS IN A VERY MATURE STATE. THAT LEAVES ME READY,
21 WILLING, AND ABLE TO DEVOTE TIME TO THIS CASE.

22 THE LONG BRIEFING -- I'M CHAIR OF THE LONG BRIEFING. MUCH
23 OF THE LONG BRIEFING IN THE JUUL CASE HAS ALREADY BEEN DONE AND
24 COMPLETED. WE'VE OBVIOUSLY GOTTEN THROUGH THE MOTIONS TO
25 DISMISS, WE'VE GOTTEN THROUGH DAUBERT, WE'VE GOTTEN THROUGH THE

11:35AM 1 SUMMARY JUDGMENT PHASE, NOT THAT THERE'S NOT A LOT MORE
11:36AM 2 BRIEFING TO DO IN TRIAL, WE EVEN GOT THROUGH THE MOTION IN
11:36AM 3 LIMINE STAGE.

11:36AM 4 MY ROLE IN THE TRIALS IS UNFORTUNATELY, OR FORTUNATELY, I
11:36AM 5 GOT TAGGED WITH DEPOSITION DESIGNATIONS. SO MY JOB IS IN LARGE
11:36AM 6 MEASURE CUTTING AND NEGOTIATING WITH THE OTHER SIDE ON WHAT THE
11:36AM 7 DEPOSITION DESIGNATIONS ARE. A LOT OF THAT WORK IS ALREADY
11:36AM 8 DONE, AND WE'RE READY FOR TRIAL IN JANUARY, AND THAT DEPOSITION
11:36AM 9 DESIGNATION WORK IS WELL UNDERWAY.

11:36AM 10 SO I THINK THAT I HAVE TIME NECESSARY TO DEVOTE TO THIS
11:36AM 11 CASE, AND I WILL GIVE IT EVERYTHING THAT I HAVE.

11:36AM 12 MY FIRM HAS THE WHEREWITHAL TO MAKE THE NECESSARY
11:36AM 13 SUSTAINED AND LONG-TERM COMMITMENT OF NOT JUST TIME BUT OF
11:36AM 14 RESOURCES. AND IN THAT REGARD, WE ARE -- WE DO NOT TAKE THIRD
11:36AM 15 PARTY FUNDING. WE ARE SELF-FUNDED.

11:36AM 16 I BASICALLY, UNLESS YOUR HONOR HAS ANY MORE QUESTIONS OF
11:36AM 17 ME, I'M READY TO GIVE EVERYTHING I HAVE TO THIS CASE AND TO
11:36AM 18 CONTRIBUTE TO THE BEST OF MY ABILITY.

11:37AM 19 THE COURT: NO, I DON'T. THANK YOU VERY MUCH. I
11:37AM 20 APPRECIATE YOU NOT GETTING THE REST OF US SICK.

11:37AM 21 (LAUGHTER.)

11:37AM 22 MR. WEINKOWITZ: THANK YOU, YOUR HONOR. THANK YOU
11:37AM 23 FOR THE COURTESY.

11:37AM 24 THE COURT: YOU'RE WELCOME.

11:37AM 25 OKAY. JUST A COUPLE MORE QUESTIONS. IF THERE'S ANYBODY

11:37AM 1 IN THE AUDIENCE WHO IS A PLAINTIFFS' LAWYER WHO WANTS TO BE
11:37AM 2 HEARD ON ANY OF THESE TOPICS, THIS IS YOUR OPPORTUNITY TO STAND
11:37AM 3 AND COME FORWARD AND IDENTIFY YOURSELF.

11:37AM 4 NO? SOMEONE HAS GOT A PHONE ON THOUGH. YOU SHOULD TURN
11:37AM 5 IT OFF IF YOU DO.

11:37AM 6 OKAY. FROM THE DEFENSE SIDE -- WHEN I FIRST -- I BELIEVE
11:37AM 7 IN ACTING PROFESSIONALLY, THE RULES OF PROFESSIONAL CONDUCT.

11:38AM 8 WHEN I FIRST GOT TO THIS BENCH I USED A PROTOCOL,
11:38AM 9 PROFESSIONAL GUIDELINES FOR MY STATE COURT CASES. THERE WAS NO
11:38AM 10 SUCH THING HERE IN THE FEDERAL COURT, AND I WAS TOLD WHEN JUDGE
11:38AM 11 BREYER CONVINCED ME TO TAKE THAT MDL THAT I SHOULDN'T WORRY
11:38AM 12 BECAUSE I HAVE THE BEST LAWYERS IN THE DISTRICT AND IN THE
11:38AM 13 COUNTRY WHO LITIGATE THESE CASES, WHICH WAS PART OF HIS WAY TO
11:38AM 14 GET ME TO SAY YES.

11:38AM 15 BUT WHAT I DECIDED TO DO WAS TO REQUIRE THAT THE LAWYERS
11:38AM 16 IN THAT MDL, GIVEN THAT THEY WERE THE BEST I WAS TOLD, REQUIRED
11:38AM 17 THEM TO WRITE A DOCUMENT WHICH THEY COULD LIVE WITH WHICH WERE
11:38AM 18 RULES FOR PROFESSIONAL CONDUCT. I GAVE THEM SAMPLES, AND THOSE
11:38AM 19 LAWYERS CREATED THAT DOCUMENT, WHICH IS NOW THE RULES FOR
11:38AM 20 PROFESSIONAL CONDUCT FOR OUR DISTRICT.

11:39AM 21 I REQUIRE THEM. I ENFORCE THEM.

11:39AM 22 I HAVE SANCTIONED LAWYERS WHEN I READ LOST -- NOT LOST
11:39AM 23 TRANSCRIPTS -- WHEN I READ DEPOSITION TRANSCRIPTS AND I'VE
11:39AM 24 NOTICED THAT PEOPLE HAVE INSTRUCTED WITNESSES NOT TO ANSWER AND
11:39AM 25 HAVE NO JUSTIFIABLE BASIS FOR IT. I DON'T TOLERATE

11:39AM 1

GAMESMANSHIP.

11:39AM 2

AND IF YOU DON'T KNOW ME, I WOULD SUGGEST THAT YOU NOT

11:39AM 3

TEST ME BECAUSE I'LL DO IT. I USED TO DO IT A LOT. I THINK I

11:39AM 4

HAD A REPUTATION IN WHICH CASE NOW I DON'T HAVE TO SANCTION

11:39AM 5

BECAUSE NO ONE WANTS TO TEST ME ANYMORE. THAT'S KIND OF WHAT I

11:39AM 6

LEARNED. SO I HAVEN'T SANCTIONED IN A LONG TIME, BUT I WILL IF

11:39AM 7

I HAVE TO.

11:39AM 8

WHAT I WOULD LIKE TO KNOW FROM THE DEFENSE IS WHETHER ANY

11:39AM 9

OF YOU HAVE EVER FELT COMPELLED TO FILE A MOTION FOR SANCTIONS

11:39AM 10

AGAINST ANY OF THE PLAINTIFFS WHO ARE ASKING FOR COURT

11:40AM 11

APPOINTED -- FOR -- TO BE APPOINTED BY THE COURT BECAUSE I

11:40AM 12

DON'T TOLERATE IT ON EITHER SIDE?

11:40AM 13

AND I DON'T KNOW HOW YOU EXPECT ME TO KNOW IF I'M NOT

11:40AM 14

TOLD, RIGHT? I'M NOT OUT THERE IN THE HALLWAYS. I'M NOT THERE

11:40AM 15

IN THE DEPOSITIONS.

11:40AM 16

WE HAVE A LOT OF CASES. WE HAVE A LOT OF WORK. I FOCUS

11:40AM 17

ON WHAT I NEED TO DO. AND BY THE WAY, I HAVE KIDS TOO. I'M

11:40AM 18

NOW AN EMPTY NESTER, BUT I USED TO THEN GO HOME AND SEE MY

11:40AM 19

KIDS, RIGHT?

11:40AM 20

SO I DON'T KNOW UNLESS I'VE HAD TO RULE ON THESE ISSUES OR

11:40AM 21

DEAL WITH THEM IN SOME OTHER CONTEXT.

11:40AM 22

AND I WANT TO KNOW.

11:40AM 23

SO NOW IS YOUR OPPORTUNITY ON THE DEFENSE SIDE TO LET ME

11:40AM 24

KNOW.

11:40AM 25

ANYONE FROM COVINGTON?

11:40AM 1 MS. JONES: THANK YOU, YOUR HONOR.

11:40AM 2 JUST IN THE INTEREST OF STREAMLINING OUR PRESENTATION, I'M
11:41AM 3 GOING TO LIKELY BE TAKING THE LEAD AS THE SPOKESPERSON FOR THE
11:41AM 4 DEFENSE SIDE, BUT OBVIOUSLY I INVITE MY COLLEAGUES TO JOIN IF
11:41AM 5 THEY HAVE SOMETHING SPECIFIC THAT THEY NEED TO RAISE.

11:41AM 6 THE COURT: AND THIS IS MS. JONES, RIGHT?

11:41AM 7 MS. JONES: YES, YOUR HONOR, PHYLLIS JONES FROM
11:41AM 8 COVINGTON.

11:41AM 9 WE DIDN'T FILE AN OBJECTION TO THE PROPOSED LEADERSHIP
11:41AM 10 STRUCTURE WITH THE COURT, AND THAT'S BECAUSE AT THE END OF THE
11:41AM 11 DAY WE DEFERRED TO THE COURT'S JUDGMENT ON THE APPROPRIATE SIZE
11:41AM 12 OF THE LEADERSHIP STRUCTURE AND WHO SHOULD COMPRISE IT.

11:41AM 13 I'M DRAWING ON MY OWN KIND OF MEMORY AND EXPERIENCE HERE
11:41AM 14 IN SAYING THAT WITH RESPECT TO THE FOLKS WHO HAVE BEEN
11:41AM 15 PROPOSED, I HAVE NO REASON TO THINK THAT THERE'S EVER BEEN ANY
11:41AM 16 OCCASION WHERE THERE'S BEEN A NEED FOR A MOTION FOR SANCTIONS
11:41AM 17 OR EVEN ANYTHING APPROACHING THAT.

11:41AM 18 THERE ARE FOLKS ON THE PLAINTIFFS' SIDE WHOM I KNOW
11:41AM 19 PERSONALLY, AND THERE ARE FOLKS WHO I DON'T NECESSARILY KNOW,
11:41AM 20 BUT WE'VE ALL HAD AN OPPORTUNITY TO REVIEW THE APPLICATIONS
11:41AM 21 VERY CAREFULLY.

11:41AM 22 AS YOUR HONOR NOTED, IT'S A LARGE GROUP WHOSE BEEN
11:41AM 23 PROPOSED, AND FROM OUR PERSPECTIVE, THE HIGHEST PRIORITY IS
11:42AM 24 GETTING MOTIONS ON FILE WITH THE COURT SO THAT THESE
11:42AM 25 CROSS-CUTTING DISPOSITIVE ISSUES CAN BE RESOLVED.

11:42AM 1 WE CERTAINLY WOULD NOT WANT A LEADERSHIP STRUCTURE ON THE
11:42AM 2 PLAINTIFFS' SIDE THAT SOMEHOW IMPAIRS OUR ABILITY TO DO THAT,
11:42AM 3 BUT BEYOND THAT BIG PICTURE CONCERN, WE'RE HAPPY TO DEFER TO
11:42AM 4 YOUR HONOR'S JUDGMENT ON THE CONSTITUTION OF THE LEADERSHIP
11:42AM 5 STRUCTURE.

11:42AM 6 THE COURT: ALL RIGHT. MR. SCHMIDT, ANY -- DO YOU
11:42AM 7 HAVE ANY INFORMATION ABOUT THE PLAINTIFFS' ATTORNEYS?

11:42AM 8 MR. SCHMIDT: NO, YOUR HONOR. I'VE WORKED WITH A
11:42AM 9 NUMBER OF THE PLAINTIFFS' ATTORNEYS, AND I'VE WORKED WITH A
11:42AM 10 NUMBER OF THEM, BUT NOT IN TERMS OF THE SANCTIONABLE CONDUCT AS
11:42AM 11 YOUR HONOR IDENTIFIED.

11:42AM 12 THE COURT: ANYONE FROM MUNGER, TOLLES, ANY
11:42AM 13 INFORMATION?

11:42AM 14 MR. BLAVIN: NO, YOUR HONOR, WE'RE NOT AWARE OF ANY
11:42AM 15 SANCTIONS MOTIONS THAT WE FILED AGAINST ANY OF THE FIRMS.

11:42AM 16 THE COURT: OKAY. KING & SPALDING? MR. DRAKE?

11:42AM 17 MR. DRAKE: NO, YOUR HONOR, WE DON'T HAVE ANY
11:43AM 18 INFORMATION TO REPORT IN THAT REGARD.

11:43AM 19 THE COURT: OKAY.

11:43AM 20 MR. DRAKE: THANK YOU, YOUR HONOR.

11:43AM 21 THE COURT: MS. PIERSON?

11:43AM 22 MS. PIERSON: NO, YOUR HONOR, NO INFORMATION TO
11:43AM 23 REPORT.

11:43AM 24 THE COURT: THANK YOU. FINALLY, MS. WHITE?

11:43AM 25 MS. WHITE: LIKEWISE, NO INFORMATION FROM GOOGLE.

11:43AM 1 THE COURT: GREAT TO HEAR. I DIDN'T ANTICIPATE THAT
11:43AM 2 THERE WOULD BE, BUT I DO LIKE TO ASK, DOT MY I'S, CROSS MY T'S.

11:43AM 3 FOR PURPOSES OF THIS CASE, MAGISTRATE JUDGE HIXSON WILL
11:43AM 4 MANAGE ANY AND ALL DISCOVERY DISPUTES IF WE GET THERE. HE IS
11:43AM 5 APPOINTED.

11:43AM 6 I WILL ISSUE A WRITTEN ORDER WITH MY DECISIONS ON
11:43AM 7 PLAINTIFFS' COUNSEL. I DO THINK, THOUGH, WE CAN MAKE A LITTLE
11:44AM 8 BIT OF PROGRESS. I DO PLAN ON APPOINTING BOTH MR. SEEGER AND
11:44AM 9 MS. HAZAM.

11:44AM 10 SO I'LL HAVE -- MS. HAZAM, WHY DON'T YOU COME TO THE MIC
11:44AM 11 TO DEAL WITH THE NEXT SET OF ISSUES.

11:44AM 12 AND THEN I TAKE IT -- MS. JONES, YOU'RE AT THE MIC.

11:44AM 13 MS. JONES: I AM, YOUR HONOR. THANK YOU.

11:44AM 14 THE COURT: OKAY. I DO WANT TO TALK ABOUT HOW TO
11:44AM 15 GET -- THE FIRST TOPIC SEEMS TO ME HOW TO GET A COMPLAINT UP
11:45AM 16 AND ISSUED SO THAT WE CAN HAVE BRIEFING ON A MOTION TO DISMISS.

11:45AM 17 I OUTLINED IN A KIND OF VERY SKELETAL WAY WHAT MY INITIAL
11:45AM 18 THOUGHTS WERE WITH RESPECT TO THIS TOPIC. IT COULD BE THAT I
11:45AM 19 SHOULD JUST SET ANOTHER MEETING TO GIVE PLAINTIFFS' COUNSEL AN
11:45AM 20 OPPORTUNITY TO PULL SOMETHING TOGETHER BEFORE WE STRUCTURE WHAT
11:45AM 21 THE MOTION PRACTICE WILL LOOK LIKE.

11:45AM 22 BUT I DO WANT TO HAVE A MASTER COMPLAINT BECAUSE WHATEVER
11:45AM 23 DECISIONS I MAKE, I WANT THEM TO BE -- I WANT THEM TO BE ON AN
11:45AM 24 OPERATIVE COMPLAINT.

11:45AM 25 THE WHOLE POINT OF THE MDL PROCESS IS TO STREAMLINE, AND

11:45AM 1 IF THE PLAINTIFFS HAVEN'T ADOPTED THE COMPLAINT ON WHICH THERE
11:46AM 2 IS MOTION PRACTICE, THEN IT'S NOT BINDING. SO IT SEEMS TO ME
11:46AM 3 THAT THERE HAS TO BE SOME KIND OF MASTER APPROACH.

11:46AM 4 THE DEFENDANTS ARE ENTITLED TO KNOW WHICH SPECIFIC CLAIM
11:46AM 5 EACH SPECIFIC PLAINTIFF IS BRINGING AS AGAINST EACH SPECIFIC
11:46AM 6 DEFENDANT.

11:46AM 7 THE DEFENDANTS ARE ENTITLED TO KNOW WHAT SPECIFIC
11:46AM 8 ALLEGATIONS RELATE TO THEM, AND PERHAPS THERE ARE THREE MASTER
11:46AM 9 COMPLAINTS AGAINST EACH OF THE DEFENDANTS.

11:46AM 10 AS MR. TELLIS KNOWS, HE TRIED TO BRING A CLAIM AGAINST
11:46AM 11 THREE BANKS AND I SAID, NO, I NEED THREE SEPARATE COMPLAINTS.
11:46AM 12 AND WE WORKED THROUGH THAT, BUT IT TURNED OUT, YOU KNOW, TWO
11:46AM 13 WERE DEALT WITH IN ONE WAY AND A THIRD WAS DEALT WITH IN AN
11:47AM 14 ENTIRELY SEPARATE WAY BECAUSE THE DEFENDANTS ARE SEPARATE
11:47AM 15 ENTITIES.

11:47AM 16 SO I CAN ENVISION LOTS OF DIFFERENT WAYS TO BOTH IDENTIFY
11:47AM 17 WAYS THAT I CAN DEAL WITH THE INDIVIDUAL DEFENDANTS AND THEIR
11:47AM 18 NEEDS PLUS GET EFFICIENCIES IN TERMS OF BRIEFING ON COMMON
11:47AM 19 ISSUES.

11:47AM 20 AS I ALSO SAID, I DO THINK THAT IF YOU'RE GOING TO END UP
11:47AM 21 WITH SOME MASTER COMPLAINT THAT HAS 20 CAUSES OF ACTION, IT
11:47AM 22 MAKES NO SENSE TO ME -- BECAUSE REMEMBER, I HAVE A SMALL
11:47AM 23 TEAM -- IT MAKES NO SENSE TO ME TO HAVE EVERYTHING BRIEFED IN
11:47AM 24 THE FIRST ORDER.

11:47AM 25 WHAT I'D LIKE TO HAVE YOU DO IS IDENTIFY THE STRONGEST

11:47AM 1 ONES THAT YOU THINK YOU HAVE FROM THE PLAINTIFFS' SIDE AND THEN
11:47AM 2 HAVE THE DEFENDANTS TAKE -- YOU KNOW, MAKE A MOTION AS TO
11:47AM 3 THOSE. AND IF YOU SURVIVE THAT, THEN I'M WILLING TO OPEN
11:48AM 4 DISCOVERY.

11:48AM 5 SO THOSE WERE MY INITIAL THOUGHTS.

11:48AM 6 WE'LL START WITH YOU, MS. HAZAM.

11:48AM 7 MS. HAZAM: THANK YOU, YOUR HONOR.

11:48AM 8 WE AGREE THAT A MASTER COMPLAINT WILL SERVE TO STREAMLINE
11:48AM 9 THE CLAIMS IN THIS LITIGATION. THERE'S A REASON IT'S A TOOL
11:48AM 10 THAT IS USED UNIVERSALLY IN MASTER MDL'S.

11:48AM 11 AS TO WHETHER THAT COMPLAINT SHOULD BE ONE OMNIBUS
11:48AM 12 COMPLAINT THAT INCLUDES ALL DEFENDANTS AND ALL CLAIMS, OR
11:48AM 13 PERHAPS BROKEN INTO SEPARATE COMPLAINTS AGAINST EACH DEFENDANT,
11:48AM 14 I THINK THE PLAINTIFFS WOULD APPRECIATE THE OPPORTUNITY TO
11:48AM 15 DISCUSS THAT AND PERHAPS DISCUSS IT WITH DEFENDANTS TO THE
11:48AM 16 EXTENT THAT IT MAKES SENSE.

11:48AM 17 I HAVE SEEN IT DONE BOTH WAYS. IT COULD BE A SINGLE
11:48AM 18 COMPLAINT THAT BREAKS OUT ALLEGATIONS BY DEFENDANT WHERE
11:48AM 19 NECESSARY.

11:48AM 20 EACH INDIVIDUAL PLAINTIFF COULD THEN JOIN THAT MASTER
11:48AM 21 COMPLAINT THROUGH A SHORT FORM COMPLAINT THAT WOULD IDENTIFY,
11:48AM 22 AMONG OTHER THINGS, THE INFORMATION THAT YOUR HONOR JUST
11:49AM 23 MENTIONED, THE DEFENDANTS BEING ACCUSED, THE CLAIMS BEING
11:49AM 24 RAISED, THE PRODUCTS THAT HAVE BEEN USED, AND THE CAUSES OF
11:49AM 25 ACTION THAT WOULD BE ASSERTED. THERE MAY BE OTHER --

11:49AM 1 THE COURT: AND I DO AGREE WITH THE DEFENSE THAT THE
11:49AM 2 INDIVIDUAL PLAINTIFFS MUST SPECIFICALLY IDENTIFY WHICH PORTIONS
11:49AM 3 OF THE OPERATIVE COMPLAINT AND CLAIMS THEY AGREE UPON AND WHICH
11:49AM 4 ONES THEY DECLINE.

11:49AM 5 OBVIOUSLY, IT SEEMS TO ME THAT IT IS IMPORTANT TO ADD IN
11:49AM 6 THERE ANY FACTS THAT ARE GOING TO BE UNIQUE TO THAT INDIVIDUAL
11:49AM 7 PLAINTIFF.

11:49AM 8 AND IT COULD ALSO BE THAT AT THE TIME THAT THEY DO THAT,
11:49AM 9 WE HAVE AN INITIAL FACT SHEET WHICH WILL IDENTIFY KEY THINGS
11:49AM 10 THAT WILL BE UP -- KEY INFORMATION ABOUT THAT PLAINTIFF WHICH
11:49AM 11 WILL BE IDENTIFIED OR UPDATED, I MEAN, OVER THE COURSE OF TIME.

11:50AM 12 MS. HAZAM: YES, YOUR HONOR. PLAINTIFF FACT SHEETS
11:50AM 13 ARE COMMON IN MDL'S AS WELL. THEIR USE TYPICALLY TRIGGERS A
11:50AM 14 DEFENDANT FACT SHEET, SO THERE'S A RECIPROCAL EXCHANGE OF BASIC
11:50AM 15 INFORMATION.

11:50AM 16 SO IF WE'RE PROCEEDING TO THAT STEP, WHICH IS OFTEN AN
11:50AM 17 EARLY STEP IN DISCOVERY IN CASES, YOU COULD CHARACTERIZE IT
11:50AM 18 DIFFERENTLY, BUT THAT IS OFTEN WHEN IT BEGINS AND HOW IT
11:50AM 19 BEGINS.

11:50AM 20 THEN PLAINTIFFS WOULD SUBMIT THAT THE DEFENDANT SHOULD
11:50AM 21 HAVE OBLIGATIONS IN RETURN TO IDENTIFY CERTAIN INFORMATION THAT
11:50AM 22 THEY HAVE ABOUT THE PARTICULAR PLAINTIFFS' USE OF THEIR
11:50AM 23 PRODUCT, NONUSE, ET CETERA.

11:50AM 24 THE COURT: OKAY. KEEP GOING.

11:50AM 25 MS. HAZAM: I UNDERSTAND WHAT YOUR HONOR WAS SAYING

11:50AM 1 WITH REGARD TO THE PORTIONS OF THE MASTER COMPLAINT THAT WOULD
11:50AM 2 BE JOINED OR DECLINED NEEDING TO BE IDENTIFIED.

11:50AM 3 WITH REGARDS TO BRIEFING AND POTENTIAL PHASING OF
11:50AM 4 BRIEFING, I THINK PLAINTIFFS ARE OPEN TO SEEKING TO PROPOSE
11:51AM 5 SOME FORM OF PHASING AND TAKING INTO CONSIDERATION YOUR HONOR'S
11:51AM 6 INSTRUCTION REGARDING THE STRONGEST OF CLAIMS.

11:51AM 7 I THINK THERE IS AN ISSUE OF TIMING, AS I IDENTIFIED
11:51AM 8 EARLIER, THAT WE WOULD LIKE THE COURT'S GUIDANCE REGARDING
11:51AM 9 BECAUSE THERE ARE ISSUES PENDING BEFORE THE SUPREME COURT AND
11:51AM 10 IT COULD HAVE A SHAPING EFFECT ON BRIEFING ON AT LEAST SOME OF
11:51AM 11 THE ISSUES.

11:51AM 12 THERE ARE ALSO ISSUES THAT THE DEFENDANTS HAVE SUGGESTED
11:51AM 13 THAT ARE CROSS CUTTING ACROSS PLAINTIFFS, AND PLAINTIFFS WOULD
11:51AM 14 RESPECTFULLY DISAGREE THAT THEY ARE CROSS-CUTTING IN THE MANNER
11:51AM 15 IN WHICH THE DEFENDANTS DESCRIBE, SPECIFICALLY WHETHER THE
11:51AM 16 DEFENDANTS' PLATFORM IS A PRODUCT, IS A SUBJECT OF STATE LAW.
11:51AM 17 STATE LAW AND THE STATE CASE LAW DO DIFFER IN THAT REGARD. AND
11:51AM 18 THAT, WE WOULD SUBMIT, IS MORE APPROPRIATE ONCE WE GET TO A
11:51AM 19 PHASE OF CULLING PLAINTIFFS FOR BEING POTENTIAL BELLWETHERS TO
11:52AM 20 ADDRESS IT ON A STATE-BY-STATE BASIS.

11:52AM 21 THE FEDERAL LAW QUESTIONS ARE MORE CROSS-CUTTING.
11:52AM 22 CERTAINLY, THEY WILL APPLY TO MORE PLAINTIFFS. THEY MAY NOT BE
11:52AM 23 DISPOSITIVE. THEY MAY STILL TURN ON CLAIMS OR FACTS THAT ARE
11:52AM 24 ASSERTED, BUT THOSE ISSUES, AT LEAST THOSE IDENTIFIED BY THE
11:52AM 25 DEFENDANTS, NAMELY, SECTION 230 AND THE FIRST AMENDMENT, MAY BE

11:52AM 1 SHAPED BY THE COURT'S DECISION IN GONZALEZ, WHICH MAY BE COMING
11:52AM 2 AT AROUND THE TIME THAT WE WOULD GET TO A HEARING ON THOSE
11:52AM 3 MOTIONS.

11:52AM 4 THE COURT: WELL, IT SEEMS TO ME THAT THERE ARE
11:52AM 5 GOING TO BE PLENTY OF ISSUES TO BRIEF.

11:52AM 6 SO ONE OF THE THINGS -- AND I UNDERSTAND THAT THE
11:52AM 7 PLAINTIFFS OR THE DEFENDANTS DON'T BELIEVE THAT THIS IS A
11:52AM 8 PRODUCT.

11:52AM 9 I ALSO UNDERSTAND THAT AT LEAST SOME OF THE PLAINTIFFS'
11:52AM 10 LAWYERS HAVE GONE TO GREAT PAINS TO SAY THAT THEY ARE NOT
11:53AM 11 BRINGING ACTIONS BASED UPON THE CONTENT OF THE PLATFORMS, AND I
11:53AM 12 ASSUME THAT THE DEFENDANTS DISAGREE, BUT THAT IS THEIR
11:53AM 13 COMPLAINT, AND I TAKE THAT AT FACE VALUE.

11:53AM 14 SO I THINK THE NOTION THAT THE DEFENDANTS' ATTEMPT TO
11:53AM 15 RECAST THE PLAINTIFFS' COMPLAINT IN THEIR OWN PREFERRED MANNER
11:53AM 16 WILL BE JUST REJECTED UNLESS THE SUPREME COURT PROVIDES SOME
11:53AM 17 GUIDANCE TO THE CONTRARY.

11:53AM 18 AND YOU CAN ALSO DO IT, YOU KNOW, TO PRESERVE THE ISSUE.

11:53AM 19 BUT YOU DON'T GET TO CONTROL THE COMPLAINT. AND I'VE
11:53AM 20 THROWN OUT A CASE RELUCTANTLY, AND I UNDERSTAND HOW PARENTS
11:54AM 21 FEEL ABOUT THESE ISSUES.

11:54AM 22 BUT WHAT THE PLAINTIFFS HERE ARE TRYING TO DO IS SOMETHING
11:54AM 23 DIFFERENT, AND IT IS DIFFERENT WHETHER OR NOT THE DEFENDANTS
11:54AM 24 LIKE IT. SO THAT IS THE ISSUE THAT I THINK NEEDS TO BE
11:54AM 25 ADDRESSED.

1 AND IT'S NOT ENTIRELY CLEAR TO ME THAT WAITING UNTIL LATER
2 TO DECIDE WHETHER OR NOT SOMETHING IS A PRODUCT IS HELPFUL. IF
3 IT IS A PRODUCT IN 25 STATES AND NOT A PRODUCT IN ANOTHER 25
4 STATES, OR WHATEVER, MAYBE SOME STATES DON'T EVEN HAVE LAW, I
5 DON'T KNOW, THEN PERHAPS CERTAIN CLAIMS FOR CERTAIN PEOPLE GET
6 TO GO THROUGH AND OTHERS DO NOT.

7 BUT I ALSO DON'T KNOW WHAT THE LAW IS IN THE VARIOUS
8 STATES, AND I WOULD EXPECT THAT AN OPERATIVE COMPLAINT WOULD
9 INDICATE WHAT LAW YOU'RE PROCEEDING UNDER.

10 SO PERHAPS YOU'VE GOT A CLAIM THAT IS BASED ON A MAJORITY
11 RULE. PERHAPS YOU HAVE A CLAIM THAT IS BASED ON A MINORITY
12 RULE. IT'S NOT ENTIRELY CLEAR TO ME. BUT THAT IS WHAT IS NEW
13 ABOUT THIS CASE.

14 AND IT SEEMS TO ME THAT THAT'S THE ISSUE THAT NEEDS TO BE
15 ADDRESSED OFF THE BAT.

16 COMMENTS?

17 MS. JONES: YOUR HONOR, I THINK MUCH OF WHAT YOU
18 JUST SAID IS VERY MUCH IN LINE WITH THE DEFENDANTS' THINKING ON
19 HOW THESE CASES SHOULD PROCEED.

20 THERE REALLY IS A FUNDAMENTAL QUESTION AROUND WHETHER
21 THESE PLAINTIFFS CAN SURVIVE A MOTION TO DISMISS ON THE
22 PLEADINGS, AND WE'RE FULLY COMFORTABLE MOVING AGAINST WHATEVER
23 PLEADING HAPPENS TO BE IN PLACE AND TAKING THAT ON ITS FACE.

24 BUT AT THE RISK OF SOUNDING A LITTLE BIT TOO EXISTENTIAL,
25 THERE'S REALLY A QUESTION ABOUT WHETHER ANY OF US SHOULD BE

11:56AM 1 HERE GIVEN THE LAW ON THE SUBJECT THAT YOU JUST ADDRESSED,
11:56AM 2 WHETHER THESE COMMUNICATION SERVICES ARE IN FACT PRODUCTS AS A
11:56AM 3 MATTER OF LAW. I WAS STRUCK BY WHAT YOU SAID EARLIER THAT YOU
11:56AM 4 HAVE NOT YET HAD A PRODUCTS CASE IN THE MDL SETTING, AND OUR
11:56AM 5 VIEW IS THAT THESE ARE NOT PROPERLY PLED PRODUCT LIABILITY
11:56AM 6 CASES. THIS IS NOT, AS THE PLAINTIFFS HAVE DESCRIBED IT, A
11:56AM 7 MASS TORT BECAUSE THESE ARE COMMUNICATION SERVICES AND THE
11:56AM 8 CLAIMS ARE REALLY DRIVEN BY ALLEGATIONS OF HARM ARRIVING FROM
11:56AM 9 THIRD PARTY CONTENT. EVERY INDIVIDUAL WHO USED THESE
11:56AM 10 APPLICATIONS WILL HAVE HAD A DIFFERENT EXPERIENCE WITH THE
11:56AM 11 SERVICE.

11:56AM 12 THE COURT: I THINK THE QUESTION, THOUGH, THAT
11:56AM 13 YOU'RE ULTIMATELY GOING TO HAVE TO GRAPPLE WITH IS WHETHER IT
11:57AM 14 IS A PRODUCT THAT CREATES ADDICTIVE BEHAVIOR.

11:57AM 15 AND IF YOU DON'T GRAPPLE WITH IT, IF YOU CHOOSE TO JUST
11:57AM 16 IGNORE IT, THEN A RULING IS GOING TO -- WE'LL NOT BE ABLE TO
11:57AM 17 TAKE YOUR THOUGHTS INTO CONSIDERATION IF YOU DON'T GIVE THEM TO
11:57AM 18 ME.

11:57AM 19 MS. JONES: AND WE FULLY UNDERSTAND THAT,
11:57AM 20 YOUR HONOR. WE PROBABLY VIEW THAT AS KIND OF TWO DISTINCT
11:57AM 21 PIECES.

11:57AM 22 ONE IS JUST THE BASIC QUESTION OF WHETHER THESE ARE
11:57AM 23 PRODUCTS THAT SHOULD BE SUBJECT TO STRICT PRODUCT LIABILITY
11:57AM 24 DOCTRINE. WE THINK THE LAW IN EVERY STATE IS SUPPORTIVE OF OUR
11:57AM 25 POSITION ON THESE FACTS.

11:57AM 1 THE COURT: IS THE LAW THE SAME?

11:57AM 2 MS. JONES: INSOFAR AS THERE ARE A VARIETY OF COURTS
11:57AM 3 AROUND THE COUNTRY WHO HAVE DETERMINED THAT THESE TYPES OF
11:58AM 4 APPLICATIONS ARE NOT PRODUCTS.

11:58AM 5 I MEAN, YOU, OF COURSE, ARE FAMILIAR WITH YOUR OWN
11:58AM 6 DECISION IN THE NETFLIX CASE FROM EARLIER THIS YEAR, THERE WAS
11:58AM 7 A DECISION IN HARRIS COUNTY, TEXAS WITH RESPECT TO INSTAGRAM,
11:58AM 8 AND THERE HAVE BEEN DECISIONS WITH RESPECT TO VIDEO GAMES AND
11:58AM 9 OTHER TYPES OF MEDIA SERVICES.

11:58AM 10 THE COURT: BUT EVEN IN THE NETFLIX CASE, IF THE
11:58AM 11 CONTENT WAS CENTRAL TO THAT CASE, THAT IS NOT WHAT IS BEING
11:58AM 12 ALLEGED.

11:58AM 13 MS. JONES: I THINK, YOUR HONOR, RESPECTFULLY, THAT
11:58AM 14 WE WOULD TAKE A DIFFERENT VIEW AT LEAST OF THE PLEADINGS AS
11:58AM 15 THEY EXIST TODAY.

11:58AM 16 IN FACT, IF YOU JUST LISTEN TO WHAT SOME OF PLAINTIFFS'
11:58AM 17 COUNSEL SAID WHEN THEY APPROACHED THE BENCH TO DISCUSS THEIR
11:58AM 18 LEADERSHIP APPLICATIONS, MR. BERGMAN SPECIFICALLY REFERRED TO
11:58AM 19 CAUSATION BY MALIGN CONTENT. THAT'S -- THOSE ARE THE CASES
11:58AM 20 THAT THEY'VE PLED.

11:58AM 21 NOW, WE'VE HEARD DIFFERENT --

11:58AM 22 THE COURT: THOSE ARE THE CASES THAT MOTIVATE THEM.
11:58AM 23 THAT'S NOT NECESSARILY WHAT IS PLED.

11:58AM 24 I'M JUST SAYING THAT THE QUESTION OF WHETHER OR NOT A
11:59AM 25 PLATFORM'S ALGORITHM CAN, IN FACT, BE A PRODUCT, WHICH IS THE

11:59AM 1 NEW TWIST, IT IS A NEW TWIST, THAT'S THE ISSUE. THAT SEEMS TO
11:59AM 2 ME TO BE THE GATEWAY ONE WAY OR THE OTHER.

11:59AM 3 AND WE'RE NOT GOING TO DECIDE IT HERE. YOU DON'T NEED TO
11:59AM 4 ARGUE IN FRONT OF ME BECAUSE I DON'T KNOW THE ANSWER YET.

11:59AM 5 MS. JONES: UNDERSTOOD, YOUR HONOR.

11:59AM 6 AND I THINK WE'RE ACTUALLY VERY MUCH ON THE COURT'S PAGE
11:59AM 7 IN TERMS OF WANTING THAT ISSUE TO BE TEED UP AND ADDRESSED VERY
11:59AM 8 PROMPTLY BECAUSE TO THE POINT THAT YOU MADE EARLIER, IT WILL BE
11:59AM 9 DISPOSITIVE OF WHAT, IF ANY, OF THE CLAIMS MIGHT ACTUALLY
11:59AM 10 PROGRESS.

11:59AM 11 NOW, THERE'S -- OBVIOUSLY THERE ARE OTHER SEPARATE ISSUES,
11:59AM 12 INCLUDING SECTION 230, WHICH RAISES A SEPARATE INDEPENDENT
11:59AM 13 CROSS-CUTTING DISPOSITIVE QUESTION THAT THE COURT, WE BELIEVE,
11:59AM 14 ALSO SHOULD RESOLVE AT THE OUTSET. THERE IS THEIR
11:59AM 15 FIRST AMENDMENT PROBLEMS WITH THE WAY THAT THESE CLAIMS HAVE
12:00PM 16 BEEN PLED.

12:00PM 17 BUT I DON'T THINK WE'RE ACTUALLY DISAGREEING WITH EACH
12:00PM 18 OTHER, YOUR HONOR, INSOFAR AS WE AGREE THAT IT MAKES GOOD SENSE
12:00PM 19 TO TAKE THOSE ISSUES ON AT THE OUTSET.

12:00PM 20 WITH RESPECT TO A MASTER COMPLAINT IN PARTICULAR, WE'RE
12:00PM 21 MINDFUL OF YOUR INCLINATION TO PROCEED IN THAT WAY. WE
12:00PM 22 APPRECIATE YOUR GUIDANCE THAT THE PLEADINGS NEED TO BE
12:00PM 23 SUFFICIENTLY SPECIFIC FOR THE DEFENDANTS TO UNDERSTAND THE
12:00PM 24 NATURE OF THE CLAIMS THAT HAVE BEEN BROUGHT AGAINST THEM. IN
12:00PM 25 PARTICULAR, WE THINK IT'S IMPORTANT THAT ANY MASTER COMPLAINT

12:00PM 1 NOT ADOPT THE SAME APPROACH THAT MANY OF THE EXISTING
 12:00PM 2 COMPLAINTS HAVE TAKEN, WHICH IS TO LUMP ALL OF THE DEFENDANTS
 12:00PM 3 AND THEIR APPLICATIONS TOGETHER IN TERMS OF HOW SPECIFIC CLAIMS
 12:00PM 4 HAVE BEEN PLED.

12:00PM 5 IF THE COURT IS INCLINED TO PURSUE SOME SORT OF SHORT FORM
 12:00PM 6 OR INDIVIDUAL COMPLAINT PROCESS, WE THINK IT'S CRITICALLY
 12:00PM 7 IMPORTANT THAT IT NOT BE A CHECK-THE-BOX EXERCISE.

12:00PM 8 WE THINK WE ARE ENTITLED TO KNOW WHAT APPLICATIONS DID
 12:00PM 9 THESE INDIVIDUALS USE, WHAT PARTICULAR CONTENT DO THEY CLAIM
 12:01PM 10 THEY WERE SUPPOSED TO, WHAT INJURIES THEY'RE ALLEGING.

12:01PM 11 THE COURT: SO NOTICE PLEADING STILL APPLIES. THIS
 12:01PM 12 IS A -- UNLESS I HAVE FRAUD. IF THERE'S FRAUD, THEN WE'RE NOT
 12:01PM 13 RULING, BUT THE POINT IS TO STREAMLINE.

12:01PM 14 SO THE NOTION -- IF IT'S A 100 PAGE COMPLAINT WITH 15
 12:01PM 15 CAUSES OF ACTION, AND A PLAINTIFF ADOPTS 10 BUT NOT 5, NO, I
 12:01PM 16 DON'T AGREE THAT IT CAN'T BE SOME JUST CHECK THE BOX. THAT'S
 12:01PM 17 THE POINT.

12:01PM 18 THE POINT IS THAT THEY'RE ADOPTING THE ALLEGATIONS OF THE
 12:01PM 19 MASTER COMPLAINT, OTHERWISE IT WOULD JUST BE WE ARE BACK TO
 12:01PM 20 EXACTLY WHERE WE ARE, WHICH I'M NOT INCLINED TO HAVE HAPPEN.

12:01PM 21 MS. JONES: WELL, IF YOU CHECK-THE-BOX APPARATUS IS
 12:01PM 22 JUST A MECHANISM FOR THE PLAINTIFF TO IDENTIFY WHAT ARE THEIR
 12:01PM 23 PARTICULAR CLAIMS IN THE MASTER COMPLAINT, THAT'S FINE.

12:01PM 24 BUT WE THINK WE ALSO NEED TO HAVE AS TO ANY INDIVIDUAL
 12:02PM 25 PLAINTIFF INFORMATION ABOUT WHAT SPECIFIC APPLICATIONS THEY

12:02PM 1 CLAIMED TO HAVE USED AND WHAT SPECIFIC CONTENT THEY CLAIM TO
12:02PM 2 HAVE BEEN THE SOURCE OF ANY HARM THAT THEY SUFFERED, AND WHAT
12:02PM 3 PARTICULAR INJURIES THEY'VE CLAIMED.

12:02PM 4 THE COURT: THEY MAY NOT BE CLAIMING CONTENT, BUT
12:02PM 5 WE'LL SEE. WE'LL SEE.

12:02PM 6 MS. JONES: I THINK THE COMPLAINTS TO DATE HAVE
12:02PM 7 SUGGESTED THAT THEY'RE ALL GROUNDED IN CONTENT, YOUR HONOR.

12:02PM 8 THE COURT: WE'LL SEE. ALL RIGHT.

12:02PM 9 MS. HAZAM: YOUR HONOR, IF I MAY, JUST GOING BACK TO
12:02PM 10 THE QUESTION ABOUT THE PRODUCTS ISSUE.

12:02PM 11 WE AGREE THAT THAT IS WHAT IS NEW ABOUT THIS LITIGATION,
12:02PM 12 THAT THESE CASES ARE PLED AS PRODUCT DEFECT CLAIMS.

12:02PM 13 AND WHETHER THESE PLATFORMS ARE PRODUCTS AS DEFENDANTS
12:02PM 14 THEMSELVES HAVE CALLED THEM ON MANY OCCASIONS, OR COMMUNICATION
12:02PM 15 SERVICES, AS THEY'RE REFERRING TO IT IN THIS MDL, OR BOTH, IS A
12:02PM 16 CRITICAL ISSUE. IT IS GOING TO BE GOVERNED BY STATE LAW, AND
12:02PM 17 WE'LL HAVE SOME VARIABILITY IN THAT REGARD. SOME OF THE
12:02PM 18 PRECEDENT THAT HAS BEEN CITED IS QUITE OLD AND NOT ABOUT SOCIAL
12:02PM 19 MEDIA. IT'S ABOUT OTHER KINDS OF PRODUCTS.

12:02PM 20 IN TERMS OF HOW TO STRUCTURE THAT, IF THE COURT WANTS THAT
12:03PM 21 TO GO FIRST, WE COULD DISCUSS AND THINK ABOUT WHETHER WE COULD
12:03PM 22 ADDRESS CERTAIN STATES INITIALLY AND PUT THOSE FORWARD FOR THE
12:03PM 23 COURT TO CONSIDER RATHER THAN TACKLING EVERY STATE AT ISSUE IN
12:03PM 24 THIS LITIGATION, WHICH IS MOST STATES IN THE COUNTRY.

12:03PM 25 SO IF YOUR HONOR WOULD LIKE TO PHASE THAT ISSUE IN SOME

12:03PM 1 MANNER, I THINK IT'S AT LEAST POTENTIALLY FEASIBLE TO DO AND IT
12:03PM 2 WOULD BENEFIT US TO MEET AND CONFER ABOUT IT.

12:03PM 3 THE COURT: AND THAT'S FINE.

12:03PM 4 I THINK, AGAIN, THE POINT IS THAT MDL JUDGES ARE
12:03PM 5 CRITICIZED FOR HAVING THINGS GO INTO A BLACK HOLE. WE'RE
12:03PM 6 CRITICIZED FOR THAT.

12:03PM 7 SO NOT ONLY DO WE TAKE ON THE ADDITIONAL WORK, WE'RE
12:03PM 8 CRITICIZED FOR HOW WE DO IT.

12:03PM 9 (LAUGHTER.)

12:03PM 10 THE COURT: SO IT SEEMS TO ME THAT IN ORDER TO MOVE
12:03PM 11 THIS ALONG, I NEED TO TEE UP YOUR BEST CASE BECAUSE THEY'RE
12:04PM 12 GOING TO ATTACK EVERYTHING. I'M GOING TO ASSUME THAT THE
12:04PM 13 DEFENDANTS WILL ATTACK EVERYTHING. THEY DON'T WANT A SINGLE
12:04PM 14 CLAIM TO PROCEED.

12:04PM 15 SO IF IT IS -- WHATEVER RULE IT IS, MAJORITY, MINORITY, I
12:04PM 16 DON'T CARE, WHOEVER'S STATE IT IS, I DON'T CARE.

12:04PM 17 WHAT I NEED YOU TO DO IS CREATE A MASTER COMPLAINT AND
12:04PM 18 IDENTIFY THE STRONGEST CLAIMS THAT YOU HAVE SO THEY CAN ATTACK
12:04PM 19 THOSE, AND I'M THINKING NO MORE THAN FIVE OR SIX SO I CAN GET
12:04PM 20 AN ANSWER TO YOU. BECAUSE ONCE YOU HAVE SOMETHING, THEN I CAN
12:04PM 21 PARALLEL TRACK. THEN I CAN OPEN DISCOVERY WHILE HAVING MOTION
12:04PM 22 WORK TO FIGURE OUT HOW TO NARROW ANY CLAIMS THAT MAY STILL BE
12:05PM 23 OUT THERE.

12:05PM 24 MS. HAZAM: ONE COMMENT ON THAT, YOUR HONOR.

12:05PM 25 I APPRECIATE THE COURT SEEKING TO PRIORITIZE MOTION

12:05PM 1 PRACTICE BEFORE OPENING DISCOVERY WIDE UP, THERE ARE, HOWEVER,
12:05PM 2 THESE ISSUES OF EVIDENCE PRESERVATION THAT I BELIEVE ARE OF
12:05PM 3 CRITICAL IMPORTANCE.

12:05PM 4 THE COURT: I AGREE THAT THEY ARE, TOO, AND I
12:05PM 5 EXPECT -- YOU'RE ORDERED TO MEET AND CONFER ON THEM, AND I
12:05PM 6 EXPECT THAT I DON'T HAVE TO GET INVOLVED, THAT YOU WILL FIGURE
12:05PM 7 OUT HOW TO PRESERVE DISCOVERY, THAT YOU WILL SEND ME A PROPOSED
12:05PM 8 FORM OF ORDER WITH RESPECT TO YOUR AGREEMENT, AND THEN I'LL
12:05PM 9 SIGN THE ORDER. SO I AGREE, EVIDENCE HAS TO BE PRESERVED.

12:05PM 10 BUT WITH RESPECT TO THE SPECIFICS -- AND THAT'S WHY YOU'LL
12:05PM 11 HAVE YOUR TEAM, BUT I DON'T EXPECT THAT I'LL HAVE TO THEN
12:05PM 12 MICROMANAGE THAT.

12:05PM 13 MS. HAZAM: WE ARE PREPARED TO DO THAT, YOUR HONOR,
12:05PM 14 AND PROPOSE THAT THE PARTIES HAVE A RULE 26 CONFERENCE IN ORDER
12:06PM 15 TO DO SO. WE DON'T BELIEVE IT'S SELF-EXECUTING IN THIS
12:06PM 16 CONTEXT, SO WE DO BELIEVE THAT WE NEED TO ACTIVELY ENGAGE.

12:06PM 17 MS. JONES: YOUR HONOR, IF I MAY?

12:06PM 18 WE'RE CERTAINLY HAPPY TO MEET AND CONFER AROUND THE
12:06PM 19 SUBJECTS OF EVIDENCE PRESERVATION, A BROADER ESI PROTOCOL, A
12:06PM 20 PROTECTIVE ORDER.

12:06PM 21 WE DON'T, AS WE NOTED IN THE CMC STATEMENT, BELIEVE THAT
12:06PM 22 DISCOVERY SHOULD BE OPEN ANY TIME SOON. WE THINK IT'S
12:06PM 23 PREMATURE TO HAVE A RULE 26(F) CONFERENCE.

12:06PM 24 THE COURT: I AM NOT ORDERING DISCOVERY OPEN. I AM
12:06PM 25 ORDERING YOU TO MEET AND CONFER AND TO PROVIDE ME -- IF I HAVE

12:06PM 1 TO GIVE YOU A DEADLINE, I WILL -- A PROTOCOL AND ORDER TO DEAL
12:06PM 2 WITH EVIDENCE PRESERVATION. THAT IS TOTALLY DOABLE AND TOTALLY
12:06PM 3 APPROPRIATE.

12:06PM 4 MS. JONES: WE'RE HAPPY TO DO THAT, YOUR HONOR.

12:06PM 5 THE COURT: HOW MUCH TIME DO YOU NEED?

12:06PM 6 MS. HAZAM: I WOULD APPRECIATE COMING BACK TO THE
12:06PM 7 COURT WITHIN A MONTH, IF NECESSARY, IF THERE ARE DISPUTES. SO
12:06PM 8 HAVING A DEADLINE IN ADVANCE OF THAT.

12:07PM 9 MS. JONES: AND WE'RE CERTAINLY HAPPY TO DO THAT. I
12:07PM 10 SUSPECT, YOUR HONOR, JUST AS AN INTERIM STEP, WE'LL BE GUIDED
12:07PM 11 BY THE COURT'S DIRECTION ON WHAT THE LEADERSHIP, THE BROADER
12:07PM 12 LEADERSHIP TEAM WILL BE ON THE PLAINTIFFS' SIDE SO WE'LL KNOW
12:07PM 13 WITH WHOM WE'LL BE COORDINATING, BUT TRIGGERING SOME KIND OF
12:07PM 14 MEET AND CONFER DEADLINE OFF OF THAT SEEMS JUST FINE TO US.

12:07PM 15 THE COURT: RIGHT NOW YOU CAN MEET AND CONFER WITH
12:07PM 16 MR. SEEGER AND MS. HAZAM, AND YOU'LL HAVE A BIGGER TEAM VERY
12:07PM 17 SOON.

12:07PM 18 OKAY. THERE ARE SOME OTHER THINGS I WANT TO TALK ABOUT,
12:07PM 19 BUT IT SEEMS TO ME IT PROBABLY MAKES SENSE TO HAVE YOU ALL COME
12:07PM 20 BACK IN DECEMBER AND HAVE ANOTHER CONFERENCE.

12:07PM 21 UNTIL I HAVE THIS CASE OPERATING, I EXPECT THAT WE WILL
12:07PM 22 MEET MONTHLY. I HATE ZOOM. I'M SORRY. I MEAN, I SURVIVED
12:08PM 23 WITH ZOOM. I TRIED CASES WITH ZOOM.

12:08PM 24 BUT WE'RE NOT IN A PERIOD WHERE THAT IS NECESSARY ANY
12:08PM 25 MORE, AND ONCE I -- AGAIN, MAYBE DOWN THE LINE AND WHEN I KNOW

12:08PM 1 YOU ALL VERY WELL AND WHEN YOU CAN READ MY EXPRESSIONS TO STOP
 12:08PM 2 TALKING AND THINGS LIKE THAT, THEN WE CAN MOVE TO ZOOM, BUT
 12:08PM 3 RIGHT NOW I'M NOT THERE.

12:08PM 4 I'M GOING TO BE IN A CRIMINAL TRIAL, AND WE START OPENING
 12:08PM 5 STATEMENTS RIGHT AFTER THANKSGIVING. SO BASICALLY I HAVE --
 12:08PM 6 WELL, THE 16TH WOULD BE THE BEST IN THE MORNING OR I COULD DO
 12:08PM 7 IT THE 14TH, BUT IF I HAVE A JURY VERDICT THAT DAY, YOU'RE
 12:08PM 8 GOING TO SIT AND WAIT.

12:09PM 9 MS. JONES: YOUR HONOR, I'M JUST CONSULTING WITH
 12:09PM 10 FOLKS ON SCHEDULE.

12:09PM 11 (DISCUSSION OFF THE RECORD.)

12:09PM 12 MS. JONES: YOUR HONOR, EITHER OF THOSE DATES WILL
 12:09PM 13 WORK FOR THE DEFENSE.

12:09PM 14 MS. HAZAM: YOUR HONOR, THE 14TH WOULD WORK BETTER
 12:09PM 15 FOR PLAINTIFFS.

12:09PM 16 THE COURT: OKAY. I'LL SET YOU FOR 8:30 A.M.
 12:09PM 17 BUT, AGAIN, IF I HAVE A JURY VERDICT, YOU COME SECOND.

12:09PM 18 MS. HAZAM: UNDERSTOOD.

12:09PM 19 THE COURT: OKAY. DECEMBER 14TH, 8:30 A.M.

12:09PM 20 OTHER ISSUES THAT OCCUR TO ME, THERE SHOULD BE SOME JOINT
 12:09PM 21 AGREEMENT THAT WHENEVER WE GET THIS MASTER COMPLAINT AND THE
 12:10PM 22 ADDENDUMS BY THE PLAINTIFFS, THE INDIVIDUAL PLAINTIFFS THAT WE
 12:10PM 23 SHOULD HAVE SOME ORDER THAT HAS THE DEFENDANTS' MOTION OR THE
 12:10PM 24 DEFENDANT PERHAPS CAN JUST FILE A NOTICE THAT THEY HAVE
 12:10PM 25 ACCEPTED SERVICE OF PROCESS FOR ALL OF THESE SO THAT ALL OF THE

12:10PM 1 MOTION WORK DEALS WITH RESPECT TO ALL OF THEM. NO ONE SHOULD
12:10PM 2 HAVE TO SERVE INDIVIDUAL ONES FOR THE DEFENDANTS WHO ARE
12:10PM 3 ALREADY HERE. SO I'D LIKE TO HAVE YOU WORK ON THAT, MS. JONES.
12:10PM 4 APPOINTMENTS OF GUARDIANS AD LITEM, THESE ARE ALL MINORS.
12:10PM 5 I NEED TO HAVE ADULTS, AND I NEED ORDERS FOR THAT.
12:10PM 6 AND, MS. ANDERSON, I WAS HOPING YOU COULD MANAGE WITH THIS
12:10PM 7 IN PARTICULAR BECAUSE IT'S JUST A LOGISTICAL ISSUE.
12:11PM 8 THE CALIFORNIA STATE COURTS HAVE A I THINK PRETTY
12:11PM 9 COMPREHENSIVE FORMAT FOR WHAT IS REQUIRED.
12:11PM 10 I'M HAPPY TO ISSUE AN ORDER THAT SAYS THAT I WILL
12:11PM 11 PRESUMPTIVELY APPOINT A PARENT OR A LEGAL GUARDIAN.
12:11PM 12 ANYBODY ELSE I WOULD REVIEW TO UNDERSTAND WHY A PARENT OR
12:11PM 13 LEGAL GUARDIAN IS NOT BEING REPRESENTATIVE, BUT EVERY PLAINTIFF
12:11PM 14 WHO IS NOT AN ADULT MUST HAVE THE APPOINTMENT.
12:11PM 15 DO YOU HAVE A SENSE NOW OR DID YOU ALL TALK IN ADVANCE
12:11PM 16 ABOUT HOW MUCH TIME YOU WOULD NEED FOR A MASTER COMPLAINT TO
12:11PM 17 GET ONE ON FILE?
12:12PM 18 MS. HAZAM: YOUR HONOR, WE DID NOT MEET AND CONFER
12:12PM 19 ABOUT IT.
12:12PM 20 THE DEFENDANTS HAVE PROPOSED, I BELIEVE, DECEMBER 9TH.
12:12PM 21 PLAINTIFFS DO NOT BELIEVE THAT THAT IS A PRACTICABLE DATE, BUT
12:12PM 22 I THINK COULD DO SO BY EARLY NEXT YEAR IN ALL LIKELIHOOD, FOR
12:12PM 23 EXAMPLE, 90 DAYS, YOUR HONOR.
12:12PM 24 MS. JONES: AND, YOUR HONOR, FROM OUR PERSPECTIVE,
12:12PM 25 IF DISCOVERY IS STAYED IN THE MEANTIME, THAT'S ACCEPTABLE TO

12:12PM 1 US.

12:12PM 2 THE COURT: OKAY. THEN WHAT WE'LL DO IS I'LL GIVE
12:12PM 3 YOU BETWEEN NOW AND OUR NEXT CONFERENCE TIME TO THINK ABOUT
12:12PM 4 WHAT THE PLAN IS GOING TO LOOK LIKE, DATES CERTAIN FOR THE
12:12PM 5 FILING OF ALL OF THESE THINGS, AND THEN WE CAN COME UP WITH A
12:12PM 6 BRIEFING SCHEDULE.

12:12PM 7 IN MY VIEW THE BRIEFING SCHEDULE SHOULD NOT BE ALL THAT
12:13PM 8 LONG, BECAUSE WHAT I'M TRYING TO DO IS CABIN HOW MUCH IS BEING
12:13PM 9 BRIEFED SO THAT I CAN, IN FACT, GET YOU SOME ANSWER BACK.

12:13PM 10 AND THAT MEANS THAT, YOU KNOW, IF I DO THESE SERIALY, WE
12:13PM 11 SHOULD BE ABLE TO MOVE THIS.

12:13PM 12 WITH RESPECT TO THE SECTION 230, MAYBE WE'LL HAVE MORE
12:13PM 13 INFORMATION ON GONZALEZ BY THEN. I DON'T KNOW.

12:13PM 14 OKAY. I HAVE SOME OTHER LITTLE TINY THINGS, BUT WHAT ELSE
12:13PM 15 DO YOU WANT TO TALK ABOUT TODAY?

12:13PM 16 MS. HAZAM: YOUR HONOR, ONE ISSUE PLAINTIFFS RAISED
12:13PM 17 IN OUR STATUS CONFERENCE STATEMENT THAT WE WOULD LIKE TO
12:13PM 18 ADDRESS IS PRODUCTION OF MATERIALS PREVIOUSLY PRODUCED IN OTHER
12:13PM 19 LITIGATION AND IN RESPONSE TO INVESTIGATIONS BY DEFENDANTS.

12:13PM 20 THIS IS SOMETHING THAT HAS BEEN ORDERED VERY EARLY ON IN
12:13PM 21 A NUMBER OF MDL'S, AND BECAUSE THESE HAVE ALREADY BEEN
12:13PM 22 PRODUCED, WE DO NOT BELIEVE THAT THERE IS A BURDEN ASSOCIATED
12:13PM 23 AND WOULD TAKE IT IN THE FORM IT WAS PRODUCED PREVIOUSLY.

12:14PM 24 WE WOULD LIKE TO PROCEED EXPEDITIOUSLY ON THAT FRONT
12:14PM 25 BECAUSE IT'S SOMETHING THAT CAN BE DONE.

12:14PM 1 MS. JONES: AND, YOUR HONOR, YOU CAN PROBABLY
12:14PM 2 ANTICIPATE MY RESPONSE TO THAT, WHICH IS BEFORE THERE'S BEEN A
12:14PM 3 DETERMINATION ABOUT WHETHER OR NOT THIS MATTER SHOULD PROCEED,
12:14PM 4 WE THINK IT'S NOT EFFICIENT. WE DON'T THINK IT'S APPROPRIATE
12:14PM 5 FOR DEFENDANTS TO BE PUT IN A POSITION TO PRODUCE THINGS THAT
12:14PM 6 WERE PRODUCED IN OTHER MATTERS. SO --

12:14PM 7 THE COURT: SO WHICH MATTERS ARE WE TALKING ABOUT
12:14PM 8 SPECIFICALLY?

12:14PM 9 WHAT PAGE OF YOUR STATEMENT ARE THOSE IDENTIFIED IF AT
12:14PM 10 ALL?

12:14PM 11 MS. HAZAM: THE INVESTIGATIONS THAT WE ARE AWARE OF
12:14PM 12 THROUGH PRESS REPORTS ARE IDENTIFIED IN A FOOTNOTE TO THE
12:14PM 13 STATUS CONFERENCE STATEMENT. IT'S FOOTNOTE 13 ON PAGE 18.

12:14PM 14 PLAINTIFFS, OF COURSE, MAY NOT BE AWARE OF ALL SUCH
12:14PM 15 INVESTIGATIONS OR ALL OTHER LITIGATION.

12:14PM 16 THE COURT: ARE THERE LAWSUITS AS OPPOSED TO
12:15PM 17 ATTORNEY GENERAL INVESTIGATIONS?

12:15PM 18 MS. HAZAM: THERE HAVE BEEN OTHER LAWSUITS,
12:15PM 19 INCLUDING SOME CASES THAT HAVE BEEN CITED TODAY TO YOUR HONOR.

12:15PM 20 THERE ALSO, I BELIEVE, HAVE BEEN BOTH INVESTIGATIONS AND
12:15PM 21 SOME LITIGATION ABROAD, INCLUDING, FOR EXAMPLE, THE CORONER'S
12:15PM 22 INVESTIGATION IN THE UNITED KINGDOM THAT WAS REFERENCED
12:15PM 23 EARLIER.

12:15PM 24 THE COURT: RIGHT, WHICH IS CURRENTLY ALREADY IN THE
12:15PM 25 POSSESSION OF ONE OF THE PLAINTIFF'S ATTORNEYS.

12:15PM 1 MS. HAZAM: I BELIEVE SO. IT IS NOT YET

12:15PM 2 DISCLOSABLE, BUT I BELIEVE IT IS.

12:15PM 3 THE COURT: RIGHT.

12:15PM 4 MS. JONES: AND I THINK PART OF OUR CHALLENGE,

12:15PM 5 YOUR HONOR, IS THE EXTENT OF WHAT WE KNOW ABOUT WHAT THEY'RE

12:15PM 6 EVEN SEEKING IS INCLUDED IN FOOTNOTE 13 TO THE CMC, BUT MORE

12:15PM 7 FUNDAMENTALLY FROM OUR PERSPECTIVE THIS DISCUSSION IS WILDLY

12:15PM 8 PREMATURE IN THE FACE OF THE MOTIONS THAT THE COURT WILL TAKE

12:15PM 9 ON AT THE OUTSET OF THE LITIGATION.

12:15PM 10 THE COURT: WELL, I'M NOT SURE THAT IT IS WILDLY

12:15PM 11 PREMATURE. IT MAY BE PREMATURE.

12:15PM 12 MS. JONES: FAIR ENOUGH. FAIR ENOUGH.

12:16PM 13 THE COURT: I DON'T KNOW THAT IT'S WILDLY PREMATURE,

12:16PM 14 IN PART BECAUSE WHAT I DON'T WANT TO RECEIVE IS NEW INFORMATION

12:16PM 15 WHICH LEADS US TO -- FORCES US TO HAVE TO RE-DO EVERYTHING THAT

12:16PM 16 HAS BEEN DONE BEFORE.

12:16PM 17 IN THE ANTITRUST CASES, ROUTINELY EVIDENCE THAT HAS BEEN

12:16PM 18 PRODUCED IS REPRODUCED BEFORE THE MOTION TO DISMISS IS

12:16PM 19 RESOLVED. IT'S A LITTLE BIT DIFFERENT BECAUSE IN THOSE CASES

12:16PM 20 THERE ARE ALSO CRIMINAL MATTERS GOING ON.

12:16PM 21 BUT WHAT I WOULD NEED TO KNOW MORE SPECIFICALLY IS THE

12:16PM 22 SPECIFIC CASES WHICH THE PLAINTIFFS ARE AWARE OF AND FOR WHICH

12:16PM 23 THEY WOULD LIKE THE DISCOVERY.

12:16PM 24 THE INVESTIGATIONS, IT'S NOT CLEAR TO ME THAT YOU WOULD BE

12:16PM 25 ENTITLED TO THAT. I DON'T KNOW WHAT THE ATTORNEYS GENERAL ARE

12:17PM 1 DOING. I DON'T KNOW IF YOU HAVE CONTACTED THEM, IF THEY ARE
12:17PM 2 GOING TO SEEK TO INTERVENE IN THESE CASES OR NOT, AND I DON'T
12:17PM 3 KNOW WHAT THEY'VE ASKED FOR. SO I DON'T KNOW HOW BROAD OR -- I
12:17PM 4 DON'T KNOW HOW BROAD IT IS, AND IT MAY NOT BE APPROPRIATE. I
12:17PM 5 DON'T KNOW WHAT THE AGE -- I JUST DON'T HAVE ENOUGH
12:17PM 6 INFORMATION. SO I WOULD BE PREPARED TO ORDER IT AT THE NEXT
12:17PM 7 HEARING, BUT I DO NEED TO KNOW SPECIFICALLY WHAT IT IS THAT
12:17PM 8 YOU'RE ASKING FOR AND WHAT THE SCOPE OF THOSE PRODUCTIONS WERE.

12:17PM 9 MS. JONES: FROM OUR PERSPECTIVE, IF YOU WERE
12:17PM 10 INCLINED TO CONSIDER THIS REQUEST BEFORE THE MOTION TO DISMISS
12:17PM 11 HAS EVEN BEEN FILED, WE WOULD REQUEST AN OPPORTUNITY TO BRIEF
12:17PM 12 THAT ISSUE FOR THE COURT, BECAUSE FROM OUR PERSPECTIVE, THERE'S
12:17PM 13 JUST A BASELINE REASON TO STAY DISCOVERY BROADLY, INCLUDING
12:18PM 14 PRODUCTION OF THE MATERIALS THAT WE'RE DISCUSSING RIGHT NOW
12:18PM 15 UNDER THE LAW OF THIS COURT, THE LAW OF THE NINTH CIRCUIT, BUT
12:18PM 16 IMPORTANTLY, THE LAW THAT SAYS THAT SECTION 230 PROVIDES BROAD
12:18PM 17 IMMUNITY, NOT JUST FROM LAWSUITS AND LIABILITY, BUT ALSO FROM
12:18PM 18 THE BURDENS OF LITIGATION, INCLUDING DISCOVERY.

12:18PM 19 THE COURT: YEAH, BUT THIS ISN'T A BURDEN. IT'S NOT
12:18PM 20 A BURDEN.

12:18PM 21 MS. JONES: WELL, YOUR HONOR --

12:18PM 22 THE COURT: IT'S AN INCONVENIENCE. IT'S SOMETHING
12:18PM 23 THAT YOU DON'T WANT TO DO, BUT IT'S NOT WHAT WE WOULD CALL A
12:18PM 24 BURDEN.

12:18PM 25 MS. JONES: YOUR HONOR, WITHOUT STANDING HERE TODAY

12:18PM 1 HAVING THE FULL SENSE OF EVERY POTENTIAL LITIGATION OR
12:18PM 2 INVESTIGATION THEY'RE CONTEMPLATING, I SUSPECT THAT THIS IS A
12:18PM 3 MORE COMPLICATED ISSUE THAN HAS BEEN PRESENTED TO THE COURT
12:18PM 4 THIS MORNING. THERE MAY WELL NEED TO BE AN ASSESSMENT OF WHAT
12:18PM 5 EXACTLY HAS BEEN PRODUCED ELSEWHERE AND WHETHER ANY OF THAT
12:19PM 6 WOULD BEAR ON THESE CASES, AND THAT IS MEANINGFUL DISCOVERY
12:19PM 7 RELATED ACTIVITY DURING A PERIOD WHEN SECTION 230 IMMUNITY
12:19PM 8 SUGGESTS THAT DISCOVERY SHOULD BE STAYED UNTIL THAT ISSUE HAS
12:19PM 9 BEEN RESOLVED BY THE COURT.

12:19PM 10 THE COURT: LIKE I SAID, I DON'T HAVE ENOUGH
12:19PM 11 INFORMATION.

12:19PM 12 MS. HAZAM: YOUR HONOR, PLAINTIFFS CAN SEEK TO
12:19PM 13 PROVIDE YOU WITH THAT INFORMATION. WE HAVE LESS AWARENESS, OF
12:19PM 14 COURSE, THAN THE DEFENDANTS ABOUT OTHER LITIGATION OR
12:19PM 15 INVESTIGATIONS THAT THEY ARE FACING, SO WE WILL REACH OUT TO
12:19PM 16 THEM TO SEE IF ANY SHARING OF THAT INFORMATION IS POSSIBLE, AND
12:19PM 17 WE WILL PROVIDE YOU WITH THE INFORMATION THAT WE DO HAVE IN
12:19PM 18 ADVANCE OF THE NEXT HEARING.

12:19PM 19 I WOULD JUST NOTE AGAIN, THIS HAS BEEN DONE FREQUENTLY
12:19PM 20 EVEN IN CASES WHERE THEIR PREEMPTION MOTIONS ARE GOING TO BE
12:19PM 21 BROUGHT, ET CETERA. IT WAS DONE IMMEDIATELY IN 3M, JUUL, AND
12:19PM 22 IN OPIOIDS.

12:19PM 23 THE COURT: ALL RIGHT. WELL, I'LL TALK TO THOSE
12:19PM 24 JUDGES AS WELL.

12:19PM 25 MS. HAZAM: THANK YOU, YOUR HONOR.

12:19PM 1 MS. JONES: YOUR HONOR, WOULD IT BE -- IF WE'RE
12:19PM 2 GOING TO BE DISCUSSING THIS ISSUE AGAIN AT OUR CONFERENCE IN
12:20PM 3 DECEMBER, WOULD IT BE OF USE TO THE COURT TO HAVE SHORT
12:20PM 4 BRIEFING ON THE TOPIC SO WE'VE AT LEAST HASHED OUT THE ISSUE
12:20PM 5 MORE CONCRETELY?

12:20PM 6 THE COURT: IT WOULD BE. IT WOULD BE EVEN MOST
12:20PM 7 HELPFUL IF IT'S ONE DOCUMENT.

12:20PM 8 MS. JONES: I THINK WE CAN DO THAT, YOUR HONOR.

12:20PM 9 THE COURT: EXCELLENT.

12:20PM 10 MS. HAZAM: WE HAVE DONE IT ONCE ALREADY. WE CAN
12:20PM 11 TRY IT AGAIN.

12:20PM 12 THE COURT: OTHER ISSUES?

12:20PM 13 MS. HAZAM: THIS MAY BE ON YOUR LIST BUT DIRECT
12:20PM 14 FILING IN THE MDL, PLAINTIFFS WOULD SEEK SUCH AN ORDER WHICH IS
12:20PM 15 GENERALLY STANDARD PRACTICE IN THESE CASES.

12:20PM 16 MS. JONES: EXCUSE ME, YOUR HONOR. I THINK, AGAIN,
12:20PM 17 FROM OUR PERSPECTIVE, THAT'S A STEP THAT WE DON'T LIKELY NEED
12:20PM 18 TO TAKE RIGHT OUT OF THE GATE GIVEN THE NEED TO ADDRESS THE
12:20PM 19 DISPOSITIVE MOTIONS THAT WE'VE BEEN DISCUSSING FOR SOME TIME AT
12:20PM 20 THIS POINT.

12:20PM 21 WE'RE CERTAINLY HAPPY TO DISCUSS WITH PLAINTIFFS THE
12:20PM 22 POTENTIAL FORM OF A DIRECT FILING ORDER, BUT, AGAIN, THAT WOULD
12:20PM 23 FALL INTO THE CATEGORY OF THE TYPE OF APPARATUS AND
12:21PM 24 INFRASTRUCTURE THAT WE DON'T THINK RESOURCES NEED TO BE DEVOTED
12:21PM 25 TOWARDS WHILE THE COURT FIRST HAS TO RESOLVE THE QUESTION OF

12:21PM 1 WHETHER THESE CASES CAN PROCEED AT ALL.

12:21PM 2 MS. HAZAM: YOUR HONOR, I WOULD JUST RESPOND THAT I
12:21PM 3 DON'T THINK ONE HAS ANYTHING TO DO WITH THE OTHER, AND, IN
12:21PM 4 FACT, THE GREATER USE OF RESOURCES IS TO FORCE ALL PLAINTIFFS
12:21PM 5 TO HAVE TO GO THROUGH THE TRANSFER PROCESS, BURDEN THE PANEL
12:21PM 6 WITH TAKING ACTION IN THAT REGARD WHEN WE CAN HAVE A DIRECT
12:21PM 7 FILING ORDER.

12:21PM 8 THE CASES ARE GOING TO BE FILED, IT'S JUST A MATTER OF
12:21PM 9 ADMINISTRATIVE EFFICIENCY, AND THAT'S ONE OF THE MAIN REASONS
12:21PM 10 FOR CREATING AN MDL TO STREAMLINE SUCH MATTERS.

12:21PM 11 THE COURT: OKAY. SO WHAT I'M NOT -- AND MAYBE I'M
12:21PM 12 NOT UNDERSTANDING EXACTLY WHAT YOU ENVISION GIVEN THAT THERE'S
12:21PM 13 GOING TO BE A MASTER COMPLAINT AND THEN PLAINTIFFS ARE GOING TO
12:21PM 14 ADOPT WITH, I WOULD HAVE THOUGHT, THEIR OWN PLEADING, SO WHAT
12:21PM 15 IS THE -- HOW DOES DIRECT FILING THEN IMPACT THAT?

12:22PM 16 MS. HAZAM: IN TWO WAYS, YOUR HONOR.

12:22PM 17 ONE IS COMPLAINTS THAT ARE BEING FILED IN ADVANCE OF A
12:22PM 18 MASTER COMPLAINT, WHICH MAY TAKE 90 DAYS, THERE MAY BE QUITE A
12:22PM 19 FEW COMPLAINTS THAT ARE FILED IN THE MEANTIME, AND THEN ALSO TO
12:22PM 20 ENSURE THAT THE SHORT FORM ADOPTION PROCEDURE PROCEEDS THROUGH
12:22PM 21 THAT SAME MANNER.

12:22PM 22 THE COURT: AND ALL YOU'RE ASKING IS THAT THEY BE
12:22PM 23 ABLE TO FILE IT IN 22-MD-3047 AS OPPOSED TO SUBMITTING OR
12:22PM 24 FILING IT AS A SEPARATE ACTION OR BEING TRANSFERRED THROUGH THE
12:22PM 25 MDL?

12:22PM 1 MS. HAZAM: YEAH. WE COULD PROVIDE OTHER MODEL
12:22PM 2 ORDERS TO THAT EFFECT FOR YOUR HONOR TO REVIEW, AND WE COULD
12:22PM 3 MEET AND CONFER WITH THE DEFENDANTS ABOUT THE PROPER FORM OF IT
12:22PM 4 HERE.

12:22PM 5 THE COURT: I THINK THAT'S FINE.
12:22PM 6 SO I'LL EXPECT A FORM OF ORDER ON THAT TOPIC.
12:22PM 7 OKAY. WHAT ELSE DID YOU HAVE?

12:23PM 8 MS. JONES: YOUR HONOR, JUST ON THE DIRECT FILING
12:23PM 9 POINT, AND I AGREE THAT WE CAN CERTAINLY TALK ABOUT THAT IN
12:23PM 10 ADVANCE OF OUR NEXT CONFERENCE, AND WE CAN BUILD THIS INTO
12:23PM 11 WHATEVER WE SUBMIT TO THE COURT, BUT OUR VIEW IS TO THE EXTENT
12:23PM 12 THAT THERE IS A DIRECT FILING ORDER THAT IS ADOPTED BY THE
12:23PM 13 COURT, THAT ADDITIONAL PLAINTIFFS SHOULD BE DEEMED FILED WITHIN
12:23PM 14 THEIR STATE OF RESIDENCE AS OPPOSED TO THE LOCATION OF THE MDL,
12:23PM 15 AND WE WOULD OBVIOUSLY WANT TO BAKE INTO ANY ORDER THE
12:23PM 16 UNDERSTANDING THAT IT DOESN'T RESPECT -- IT DOESN'T AFFECT ANY
12:23PM 17 OF THE DEFENDANTS' LEXICON RIGHTS.

12:23PM 18 MS. HAZAM: YOUR HONOR, AS TO THE LATTER, WE'RE
12:23PM 19 CERTAINLY WILLING TO MEET AND CONFER. WE'RE WILLING TO MEET
12:23PM 20 AND CONFER ON ALL MATTERS, BUT IMPORTANTLY, PLAINTIFFS HAVE THE
12:23PM 21 RIGHT TO FILE WHERE VENUE AND JURISDICTION IS PROPER.

12:23PM 22 THE COURT: I AGREE.

12:23PM 23 MS. HAZAM: THEY SHOULDN'T BE FORCED TO FOREGO AN
12:23PM 24 OPTION --

12:23PM 25 THE COURT: I AGREE. YOU CAN'T TELL THE PLAINTIFFS

12:23PM 1 WHERE TO FILE. IF THEY CHOSE TO FILE AN ACTION HERE IN THE
12:24PM 2 NORTHERN DISTRICT, AND YOU HAD A BASIS TO TRANSFER IT, YOU
12:24PM 3 COULD MAKE THAT MOTION, BUT YOU DON'T GET TO DICTATE TO THE
12:24PM 4 PLAINTIFF WHERE TO FILE A COMPLAINT.

12:24PM 5 MS. JONES: WE UNDERSTAND, YOUR HONOR. I JUST
12:24PM 6 WANTED TO NOTE OUR POSITION ON THAT ISSUE.

12:24PM 7 THE COURT: I REMEMBER READING THAT, BUT IT'S NOT
12:24PM 8 YOUR RIGHT.

12:24PM 9 OKAY. SO YOU ALL WILL MEET AND CONFER ON THOSE OTHER
12:24PM 10 TOPICS, AND TO THE EXTENT THAT YOU HAVE DISAGREEMENTS ON THE
12:24PM 11 FORM OF ORDER, YOU KNOW, SOMETHING LIKE THAT I CAN DO, I COULD
12:24PM 12 DO A QUICK ZOOM HEARING OR YOU CAN SEND ME THE PROPOSED FORM OF
12:24PM 13 ORDER WITH BRIEF STATEMENTS. JUST REMEMBER THAT I'M HEADING
12:24PM 14 INTO TRIAL SOON SO -- OKAY?

12:24PM 15 MS. HAZAM: YES, YOUR HONOR.

12:24PM 16 MS. JONES: AND AM I CORRECT HEARING, YOUR HONOR,
12:24PM 17 THAT TO THE EXTENT THAT WE CAN SUBMIT JOINT STATEMENTS ON THESE
12:24PM 18 TYPES OF ISSUES, THAT'S OF USE TO YOUR HONOR?

12:24PM 19 THE COURT: IT IS PREFERABLE, YES.

12:24PM 20 MS. JONES: OKAY.

12:24PM 21 THE COURT: THESE DOCKETS GET TO BE VERY BIG.

12:24PM 22 MS. JONES: YES. UNDERSTOOD.

12:24PM 23 THE COURT: SO THAT WAY I DON'T HAVE TO GO, YOU
12:25PM 24 KNOW, SEARCHING TO SEE DID THEY RESPOND? DID THEY NOT RESPOND?
12:25PM 25 ET CETERA.

12:25PM 1 MS. JONES: WE'LL DO OUR BEST TO MAKE THAT WORK,
12:25PM 2 YOUR HONOR.
12:25PM 3 THE COURT: OKAY. AT THIS POINT -- OH, ANYTHING
12:25PM 4 ELSE?
12:25PM 5 MS. HAZAM: I DON'T HAVE ANYTHING ELSE, YOUR HONOR.
12:25PM 6 MS. JONES: I THINK YOU'VE COVERED EVERYTHING ON OUR
12:25PM 7 LIST, YOUR HONOR.
12:25PM 8 THE COURT: OKAY. SO AT THIS POINT, MS. ANDERSON,
12:25PM 9 YOU'RE TAKING OVER THE SPREADSHEET.
12:25PM 10 MS. ANDERSON: YES, YOUR HONOR.
12:25PM 11 MS. JONES: WITH OUR THANKS, MS. ANDERSON.
12:25PM 12 THE COURT: IF COVINGTON WILL SEND IT TO HER.
12:25PM 13 MS. JONES: OF COURSE.
12:25PM 14 THE COURT: SO I DON'T WANT HER TO RETYPE ANYTHING.
12:25PM 15 MS. JONES: AND, YOUR HONOR, IF IT'S USEFUL TO HAVE
12:25PM 16 A KIND OF ANALOGOUS DESIGNEE ON THE DEFENSE SIDE, WE CAN
12:25PM 17 CERTAINLY PROPOSE SOMEONE TO THE COURT. WE'LL BE GUIDED BY
12:25PM 18 WHAT YOUR PREFERENCE IS, BUT IF IT WOULD BE USEFUL TO THE COURT
12:25PM 19 AND MS. ANDERSON TO HAVE OUR OWN COMPARABLE PERSON, WE'RE HAPPY
12:26PM 20 TO DO THAT.
12:26PM 21 THE COURT: IT WOULD BE. IT WOULD BE USEFUL TO ME
12:26PM 22 JUST BECAUSE THERE ARE SOMETIMES LITTLE THINGS LIKE PERHAPS I
12:26PM 23 NEED TO TALK TO YOU, AND IF I CAN JUST SEND IT TO TWO PEOPLE,
12:26PM 24 IT WOULD MAKE IT A LOT EASIER FOR ME. SO IF YOU HAVE A DEFENSE
12:26PM 25 LIAISON, I WOULD APPRECIATE THAT.

12:26PM 1 MS. JONES: YES. LET ME ACTUALLY USE THIS
12:26PM 2 OPPORTUNITY TO INTRODUCE MY PARTNER WHO IS IN THE GALLERY,
12:26PM 3 ASHLEY SIMONSEN, WHO IS IN OUR LOS ANGELES OFFICE AND WHO HAS
12:26PM 4 GRACIOUSLY AGREED TO SERVE IN THAT ROLE FOR THE DEFENSE TEAM.
12:26PM 5 THE COURT: ASHLEY?
12:26PM 6 MS. JONES: SIMONSEN, S-I-M-O-N-S-E-N.
12:26PM 7 THE COURT: SIMONSEN?
12:26PM 8 MS. JONES: S-I-M-O-N-S-E-N.
12:26PM 9 THE COURT: GREAT. TERRIFIC. OKAY. DO NOT GET
12:26PM 10 UPSET WITH ME ON THE DEFENSE SIDE.
12:26PM 11 MS. JONES: THAT'S QUITE THE LEAD IN, YOUR HONOR.
12:26PM 12 (LAUGHTER.)
12:26PM 13 THE COURT: BECAUSE AFTER BEING AT THE MDL
12:26PM 14 CONFERENCE, I WAS ADVISED BY A VERY WELL-RESPECTED DEFENSE
12:27PM 15 LAWYER AND PLAINTIFFS' LAWYERS THAT I SHOULD SAY I KNOW IT'S
12:27PM 16 NOT TIME TO TALK SETTLEMENT, BUT WE REALLY SHOULD TRY TO FIND A
12:27PM 17 MEDIATOR WHO YOU COULD ALL START TALKING TO WHO YOU CAN START
12:27PM 18 GETTING TO UNDERSTAND WHAT IS GOING ON TO THE EXTENT THAT
12:27PM 19 ANYTHING ULTIMATELY GETS PAST THE GATES.
12:27PM 20 SO I DO WANT TO HAVE SOMEBODY OUT THERE THAT YOU CAN ALL
12:27PM 21 AGREE ON, AND WITH NO EXPECTATION.
12:27PM 22 LOOK, I UNDERSTAND. I HAVE A LOT OF WORK TO DO BETWEEN
12:27PM 23 NOW AND THEN, BUT IN ANY EVENT, AND ONE DAY WHEN AND IF THIS IS
12:27PM 24 ALL GONE, I'LL LET YOU KNOW WHO THE DEFENSE LAWYER WAS.
12:27PM 25 MS. JONES: WE WILL BE WAITING WITH BATED BREATH,

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YOUR HONOR.

(LAUGHTER.)

THE COURT: GIVEN WHO THIS DEFENSE LAWYER IS, YOU WILL NOT BE ABLE TO BE MAD AT HIM.

MS. HAZAM: OKAY. WE WILL PROMPTLY RECRUIT THEM.

MS. JONES: FAIR ENOUGH.

THE COURT: THAT PERSON IS STILL ACTIVE.

MS. JONES: WE'RE CERTAINLY HAPPY TO PUT THAT ON OUR LIST OF THINGS TO CHAT ABOUT. I THINK WE BOTH SAID OR AT LEAST WE WOULD HAVE SAID IN THE STATEMENT WE THINK IT'S PREMATURE TO DISCUSS SETTLEMENT, BUT WE UNDERSTAND YOUR HONOR'S INCLINATION.

THE COURT: OR IF YOU CAN'T AGREE, GIVE ME A LIST OF A COUPLE AND I'LL PICK SOMEONE.

BUT JUST LIKE I'M NOT -- I'M NOT HOPING FOR ANY DISCOVERY DISPUTES, BUT I DID RECRUIT JUDGE HIXSON TO DEAL WITH THAT, AND I'M JUST TRYING TO GET ALL OF MY DUCKS IN ORDER. OKAY.

MS. HAZAM: I APPRECIATE THAT. AND WHILE MS. JONES ACCURATELY REPRESENTED WHAT WE SAID IN THE STATEMENT, I KNOW THIS HAS BEEN DONE IN SEVERAL RECENT MDL'S, INCLUDING IN JUUL, WHERE SEVERAL REFEREES OR MASTERS WERE IDENTIFIED EARLY ON, I THINK IT'S USEFUL.

THE COURT: ONE LAST LITTLE THING. ALMOST ALL OF YOU GOT IT RIGHT, BUT NOT EVERYBODY DID.

MY LAST NAME AND THE NAME THAT I GO BY IS GONZALEZ ROGERS. IT IS NOT HYPHENATED.

12:29PM 1 SO I'LL TELL YOU A LITTLE STORY AND THAT WAY MAYBE YOU
12:29PM 2 WILL REMEMBER. IT IS NOT HYPHENATED BECAUSE I GOT VERY TIRED
12:29PM 3 OF GOING TO FORMAL EVENTS WITH MY HUSBAND IN THE R LINE AND I
12:29PM 4 WAS IN THE G LINE.

12:29PM 5 MS. JONES: YEAH.

12:29PM 6 THE COURT: AND IT'S LIKE, OKAY, ENOUGH ALREADY.

12:29PM 7 SO I USE IT. I'M VERY PROUD TO BE MEXICAN AMERICAN, BUT
12:29PM 8 MY OFFICIAL LAST NAME IS ROGERS, BUT I USE GONZALEZ ROGERS, NOT
12:29PM 9 HYPHENATED. GONZALEZ, IT'S EASY TO REMEMBER, IT'S EASY, NOT
12:29PM 10 E-S, RIGHT, E-Z, AND ROGERS DOESN'T HAVE A D.

12:29PM 11 I KNOW IT'S VERY LONG. IN FACT, IN THE LAW FIRM THEY USED
12:29PM 12 TO USE MY NAME TO DO THE NAME PLATES BECAUSE IT WAS THE LONGEST
12:29PM 13 ONE.

12:29PM 14 (LAUGHTER.)

12:29PM 15 THE COURT: SO IF YOU WANT TO AND YOU'RE EMAILING OR
12:29PM 16 WHATEVER, YOU CAN EVEN SAY JUDGE YGR, THAT'S FINE WITH ME, I
12:30PM 17 DON'T CARE, BUT DON'T FORGET THE GONZALEZ PART.

12:30PM 18 MS. JONES: UNDERSTOOD.

12:30PM 19 THE COURT: OKAY. LIKE I SAID, MOST EVERYBODY DID
12:30PM 20 IT CORRECTLY, BUT I JUST THOUGHT IF YOU CAN FIX YOUR TEMPLATES
12:30PM 21 AND MAKE SURE YOU HAVE IT RIGHT.

12:30PM 22 OKAY. I THINK THEN -- IS --

12:30PM 23 MR. WARREN: MAY I QUICKLY BE HEARD?

12:30PM 24 PREVIN WARREN WITH MOTLEY RICE. I JUST WANTED TO TAKE AN
12:30PM 25 OPPORTUNITY TO MAKE SURE THE RECORD WAS CLEAR ON ONE ISSUE

12:30PM 1 CONCERNING THE INQUEST RECORD.

12:30PM 2 SO MOTLEY RICE, MY FIRM, DID HAVE ACCESS TO THAT INQUEST
12:30PM 3 MEETING, AND WE WERE PERMITTED TO ATTEND THAT AND WATCH THE
12:30PM 4 HEARINGS LIVE AND SEE IT, BUT WE DO NOT HAVE POSSESSION OF THAT
12:30PM 5 RECORD. I JUST WANTED TO MAKE SURE THE RECORD WAS CLEAR ON
12:30PM 6 THAT POINT.

12:30PM 7 THE COURT: OKAY. I APPRECIATE THAT CLARIFICATION.
12:30PM 8 THANK YOU.

12:30PM 9 MR. WARREN: THANK YOU.

12:30PM 10 THE COURT: ALL RIGHT. THEN I WILL SEE -- WELL, I
12:30PM 11 DON'T KNOW THAT I WILL SEE EVERYBODY, BUT I WILL SEE ALL OF YOU
12:30PM 12 ON DECEMBER 14TH AT 8:30 A.M. CHECK THE DOCKET.

12:30PM 13 IF I HAVE SOME SENSE THAT I MIGHT BE GETTING A JURY
12:31PM 14 VERDICT THAT MORNING, THEN I'LL TRY TO LET YOU KNOW IN ADVANCE
12:31PM 15 SO WE CAN PUSH IT OFF UNTIL LATER THAT DAY. BUT, AGAIN, IT'S A
12:31PM 16 CRIMINAL TRIAL SO THAT WILL TAKE PRECEDENCE.

12:31PM 17 I WISH EVERYBODY A HAPPY THANKSGIVING.

12:31PM 18 MS. JONES: AND TO YOU, YOUR HONOR. THANK YOU SO
12:31PM 19 MUCH.

12:31PM 20 MS. HAZAM: THANK YOU, YOUR HONOR.

12:31PM 21 (COURT CONCLUDED AT 12:31 P.M.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO
HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS
A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

A handwritten signature in black ink that reads "Irene Rodriguez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the last name.

IRENE RODRIGUEZ, CSR, RMR, CRR
CERTIFICATE NUMBER 8074

DATED: NOVEMBER 17, 2022